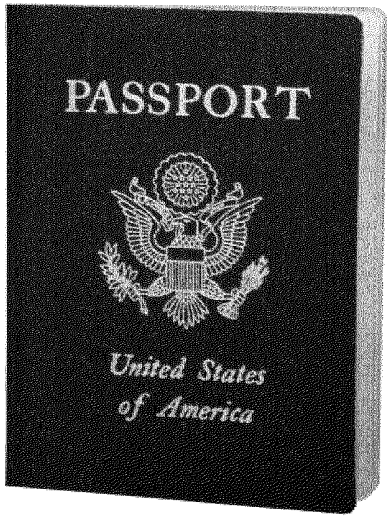
CSC

U.S. Citizenship and Immigration Services

Checking Case Status



Learning Objectives

- Follow the steps to navigate through the Gateway and Siebel to check the status of a case
- Use the Case Status tab to check status
- Practice navigation to check a case through Gateway

Getting Started

USCIS Customer Service Guide	12-14-10
WHERE TO START MENU	

Note to Representative: For an English call, continue with the information below. For a Spanish call, click here.

I need to ask you a few questions so that I can provide you with the best service possible.

Do you have a case currently pending with USCIS?
(**Note to Representative:** If the caller needs clarification, explain that "case pending means that you have filed an application/petition and USCIS has not yet made a decision on your case.")

- YES
- NO

Back to Main Menu

Applicant or Petitioner?

- You must now verify the customer by asking the following probing question that is not written in the Gateway, but is required if the customer answered ***Yes*** to the first Gateway Question:

Are you the applicant or petitioner?

Attorney or Accredited Representative

USCIS Customer Service Reference Guide	Last Updated: 09-26-12
Volume 2	Already Filed (Pending Cases)

CSR prompt – It appears you have a question about a currently pending case. Is that correct?

If yes, continue below
If no, go to "Where to Start"

Are you an employer calling on behalf of an employee OR a legal representative with a G-28 on file calling on behalf of a client? (**Note to Representative**: If the caller is an employer calling about the Administrative Site Visit and Verification Program (ASVVP) please select "NO" below.)

- YES
- NO

Note to Representative: The phrase "legal representative" refers equally to attorneys/law-firms, accredited representatives and community-based organizations (CBOs).

Note to Representative: If the customer is a legal representative calling on behalf of a client but does NOT have a G-28 on file, please provide the customer with the following message: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

Back to Pending Cases Main Menu

Case Status

To assist you, I will need to collect some information from you.

Note to Representative:

- Ask for the receipt number of the case from the customer;
  - If the customer has a receipt number, but indicates that it they do not have it on-hand during the call, inform the customer to call back with the receipt number available.
  - If the customer indicates that he/she has never received a receipt number, ask whether it has been more than 10 days since the application was filed. If it has been more than 10 days, transfer to TIER 2; if it has been less than 10 days, inform the customer to continue to wait for a receipt notice, which is normally generated and mailed out to applicants within 10 days from the date of filing.
    - NOTE: Forms I-881 and I-589 will not appear in Case Status Online. These form types are asylum-related applications and do not receive a receipt number. More information about what to do with asylum-related inquiries.
    - NOTE: Forms I-751 and I-829 receive receipt numbers but are not entered into Case Status Online because they are data entered in a separate system.
- Check Case Status Online using the receipt number provided by the customer;
- Note the status of the case;
- Note what form number is shown in case status online on the case filed and then continue below.

Was your case filed at a Service Center?

- YES
- NO

Called Before?

Have you called about this issue before?

- YES
- NO

Back to Pending Cases Main Menu

Called Before

Note to Representative: Ask the customer if a Service Request was created on their behalf regarding this inquiry and if it has been **more than 15 days** since the request was submitted.

- If there has not been a Service Request previously created Go to SRMT and take the appropriate Service Request type for the customer inquiry. Ensure the caller is within the "acceptable caller type" before taking a Service Request.

- If more than 15 days have passed since the Service Request was submitted and the issue **has not been satisfactorily resolved for** the customer, please provide the customer with the appropriate USCIS Service Center e-mail listed below. The customer can e-mail the Service Center that has jurisdiction over his/her case. The customer's receipt notice will indicate EAC for the Vermont Service Center, SRC for the Texas Service Center, LIN for the Nebraska Service Center, and WAC for the California Service Center.

  - California Service Center: csc-ncsc-followup@dhs.gov
  - Vermont Service Center: vsc.ncscfollowup@dhs.gov
  - Nebraska Service Center: ncscfollowup.nsc@dhs.gov
  - Texas Service Center: tsc.ncscfollowup@dhs.gov

Read the following to the customer: When e-mailing the service center, you should provide the information about what happened the first time you called us about this issue. Also, if you remember, provide the name and/or ID number of the representative you talked to when you called the first time, the date and time of the call, and if applicable, any service request referral number. You should also provide your receipt number, alien registration number, type of application filed and date filed. In the event you do not receive a response from the service center within 21 days, you can e-mail the USCIS Headquarters Office of Service Center Operations at: SCOPSSCATA@dhs.gov. You will receive a response from this e-mail within 10 days.

- If less than 15-days have passed since the customer called about the same issue, ask the customer to wait until 15-days have passed before calling back. The customer has a question about another pending case.

Back to Pending Cases Main Menu

Called Before?

Have you called about this issue before?

- YES
- NO

Back to Pending Cases Main Menu

Questions About Your Case...

How can I help you with your pending case?

2.1 - I need to change my address.

2.2 - I have a question about an appointment. ←

2.3 - I have questions about an immigration medical exam.

2.4 - I have questions about a Request for Evidence (RFE) that I recently received.

2.5 - There is a typographical error in a notice I received – OR – I need to change information on my case.

2.6- I want to check the status of my case – OR – I have other general questions about my pending case.

2.7- My case has been pending a long time and is either beyond normal processing times or approaching the regulatory time frame.

2.8- Approval of Petitions and Applications after the death of a "Qualifying Relative"

2.9- My Inquiry is concerning someone in the U.S. Military or a military dependent.

2.10.1 I have questions about the Administrative Site Visit and Verification Program

2.10.2 I have questions about Verifying a Site Inspector's Credentials

Back to Pending Cases Main Menu

Appointments

USCIS Customer Service Reference Guide	
Chapter 2.2	I have a Question about an Appointment

OVERVIEW

Customers should make every attempt to appear at any appointment with USCIS. Otherwise, not appearing or rescheduling may delay case processing. That could mean the customer may have to repeat several processing steps. It also affects eligibility for any immigration benefit based on the pending application. In fact, failure to appear can be a reason to deny an application.

CSR prompt – It appears you have questions about an appointment with USCIS. Is that correct?
If yes, continue below
If no, go to "Where to Start"

What question do you have regarding an appointment with us?

- I need directions to a USCIS Office or Application Support Center.
- I have questions about making an appointment or the types of appointments available.
- What should I do if I am not able to appear for my appointment? Can I reschedule?
- I received a notice asking me to make an appointment - OR - I received a notice telling me when and where to appear.
- I need to request an accommodation for an appointment due to a disability or impairment.
- I received more than one ASC Appointment Notice.
- I am a member of a family group and have been scheduled at an ASC for another day/time than the rest of my family.
- I am a UK visa applicant residing in the US and I need additional information about biometrics or the UK visa application process.

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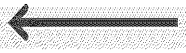
2.3 - I have questions about an immigration medical exam. 

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Back to Pending Cases Main Menu

Medical Examination

USCIS Customer Service Reference Guide	
Chapter 2.3	You Have Questions About an Immigration Medical Exam
Unit 2.3.1	You Have Questions about an Immigration Medical Examination

OVERVIEW

Only certified Civil Surgeons may complete an Immigration Medical Examination. A list of Civil Surgeons is available on the USCIS Web site. Upon completing the medical examination, the Civil Surgeon will complete and submit Form I-693.

CSR prompt – It appears you have some questions about an immigration medical examination. Is that correct?

If yes, continue below
If no, go to "Where to Start"

Only certified Civil Surgeons may complete an Immigration Medical Exam. The results of the exam are reported by the Civil Surgeon on Form I-693. A list of Civil Surgeons is available on our Web site, www.uscis.gov.

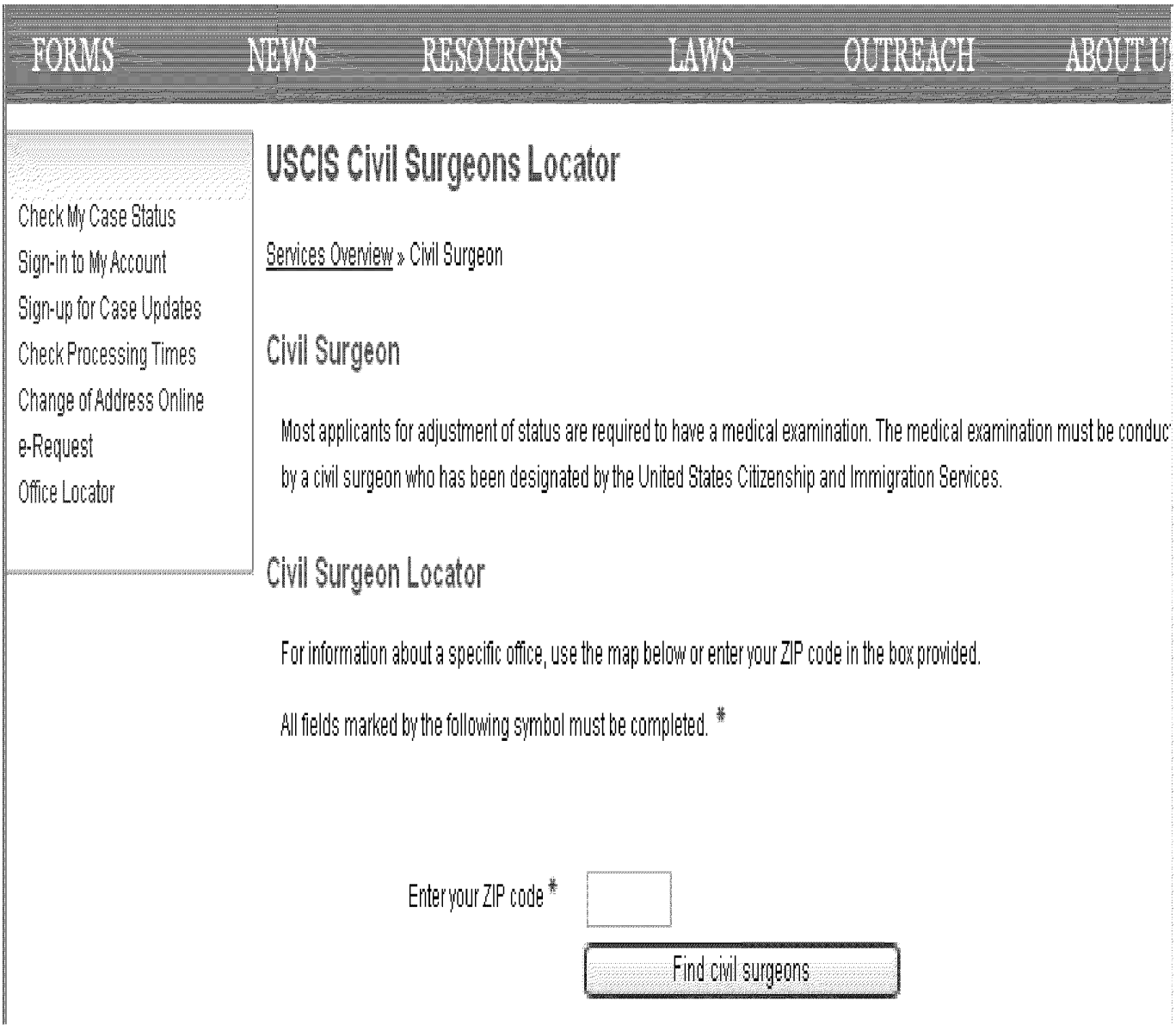
Can I help you find a Civil Surgeon in your area?

Note to Representative: List of certified Civil Surgeons by State

For additional information about the immigration medical exam and Form I-693, please go to the FAQ section on Form I-693 in Volume 3.

Back to Questions about an RFE or Medical Exam Pending Cases Main Menu

Civil Surgeon Locator



Civil Surgeon Locator

Sorry, there are no Civil Surgeons in 76155, however, the following Civil Surgeons may serve your area:

75006 - Carrollton, TX

- Dr. Guillermo M Fuentes, Family Care Medical Center
  1205 North Josey Lane, Carrollton, TX 75006
  (972) 242-2726

75007 - Carrollton, TX

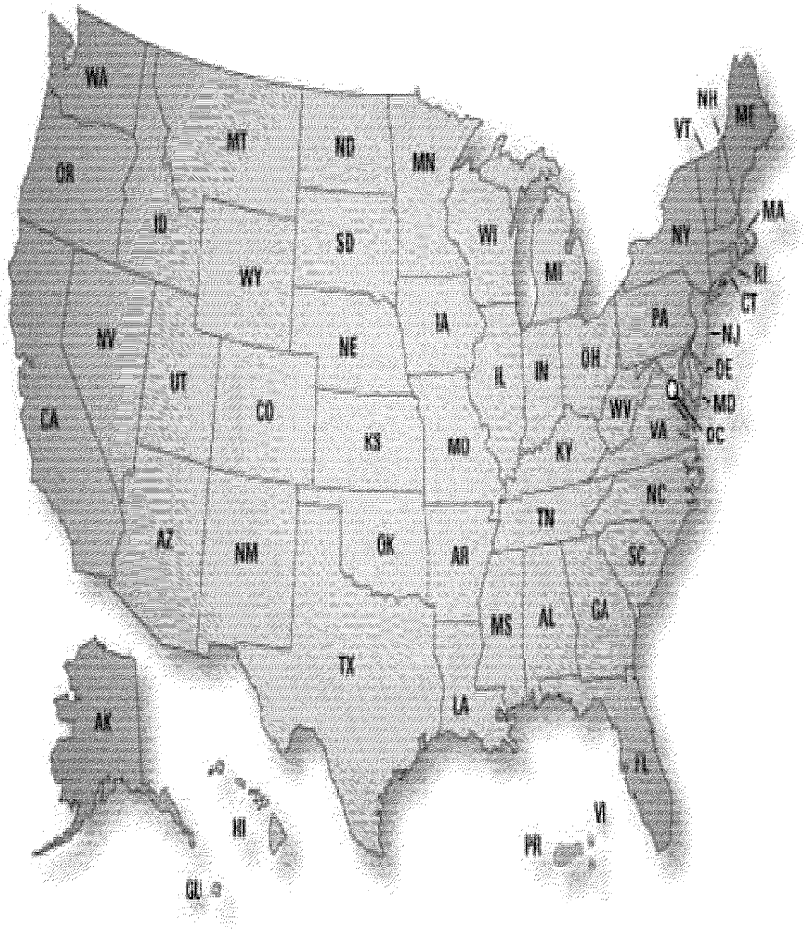
- Dr. Farida Valliani
  3740 North Josey Lane, Suite 206, Carrollton, TX 75007
  (214) 731-0031

- Dr. Mahmood Panjwani
  3740 North Josey Lane, Suite 206, Carrollton, TX 75007
  (214) 731-0031

Civil Surgeon Locator by State

Find your civil surgeons by state:

Click on your state in the map or select it from the dropdown below.



Civil Surgeon Locator by State

U.S. Citizenship and Immigration Services

Home | Español | Site Map

Search Search

FORMS NEWS RESOURCES LAWS OUTREACH ABOU

- Check My Case Status
- Sign-in to My Account
- Sign-up for Case Updates
- Check Processing Times
- Change of Address Online
- e-Request
- Office Locator

USCIS Civil Surgeons Locator

Services Overview » Find A Civil Surgeon » In Texas

The following Civil Surgeon(s) are located in Texas:

75006 - Carrollton, TX

- **Dr. Guillermo M Fuentes, Family Care Medical Center**
  1205 North Josey Lane, Carrollton, TX 75006
  (972) 242-2726

75007 - Carrollton, TX

- **Dr. Farida Valliani**
  3740 North Josey Lane, Suite 206, Carrollton, TX 75007
  (214) 731-0031

Questions About Your Case...

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2.9- My Inquiry is concerning someone in the U.S. Military or a military dependent.

2.10.1 I have questions about the Administrative Site Visit and Verification Program

2.10.2 I have questions about Verifying a Site Inspector's Credentials

Back to Pending Cases Main Menu

Request for Evidence

USCIS Customer Service Reference Guide	
Chapter 2.4	You Have Questions About a Request for Evidence or an Immigration Medical
Unit 2.4.1	You Have Questions about a Request for Evidence

OVERVIEW

A customer who receives a request for evidence (RFE) must respond to that request within the time specified on the request.
No additional time can be granted to a customer to respond to an RFE. If USCIS does not receive the customer's response within the time specified, the case may be considered as abandoned and denied as a result. If the customer responds back with all or just some of the requested evidence, a decision will be made upon the case using that evidence sent in as the basis for the decision.

CSR prompt – It appears you have some questions about a request for evidence that you received. Is that correct?

If yes, continue below
If no, go to "Where to Start"

A Request for Evidence (RFE) is made when an application or petition is lacking required documentation or USCIS needs more information before making a decision on the application/petition. The RFE will indicate what documentation or information is needed for USCIS to fully evaluate your application or petition. The notice will explain where to send the evidence and will give the deadline for your response. It is important that you respond to the RFE before the deadline and with all the evidence requested. No additional time can be granted to a customer to respond to an RFE. Failure to file a timely and complete response can result in a denial of the application/petition. A decision will be made on your application or petition using all the evidence you have provided. If you did not receive the original RFE, any re-mailed RFE has the same due date as the original.

Note to Representative:
The customer has additional questions about an RFE.
The customer says that Case Status Online indicates that an RFE was sent, but the customer has not received it.

Questions About Your Case...

How can I help you with your pending case?

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Back to Pending Cases Main Menu

U.S. Military and Military Dependents

OVERVIEW

Active duty military members or family members usually have an APO/FPO zip code. They may call with questions about various immigration services.

CSR prompt – It appears that you are active duty military or a military family member stationed abroad. Is that correct?
If yes, continue below
If no, go to "Where to Start"

What can I help you with today?

- I need information about appointments.
- I have questions about a Request for Evidence (RFE) that I received.
- I have questions about a pending N-400.
- I want information about Forms.
- I need to find the location of a USCIS office.
- I need to locate a Civil Surgeon.
- I need to locate a Panel Physician.
- I am a U.S. citizen - I want information about how to help a family member immigrate to the U.S.
- I am a U.S. citizen - I want information about how to help my fiancé(e) come to the U.S.
- I am a Permanent Resident - I want information about how to help a family member immigrate to the U.S.

Case Status

To assist you, I will need to collect some information from you.

Note to Representative:

- Ask for the receipt number of the case from the customer;
  - If the customer has a receipt number, but indicates that it they do not have it on-hand during the call, inform the customer to call back with the receipt number available.
  - If the customer indicates that he/she has never received a receipt number, ask whether it has been more than 10 days since the application was filed. If it has been more than 10 days, transfer to TIER 2; if it has been less than 10 days, inform the customer to continue to wait for a receipt notice, which is normally generated and mailed out to applicants within 10 days from the date of filing.
    - NOTE: Forms I-881 and I-589 will not appear in Case Status Online. These form types are asylum-related applications and do not receive a receipt number. More information about what to do with asylum-related inquiries.
    - NOTE: Forms I-751 and I-829 rec Case Status Online because they are data entered in a separate system.
- Check Case Status Online u
- Note the status of the case;
- Note what form number is shown in case status on w.

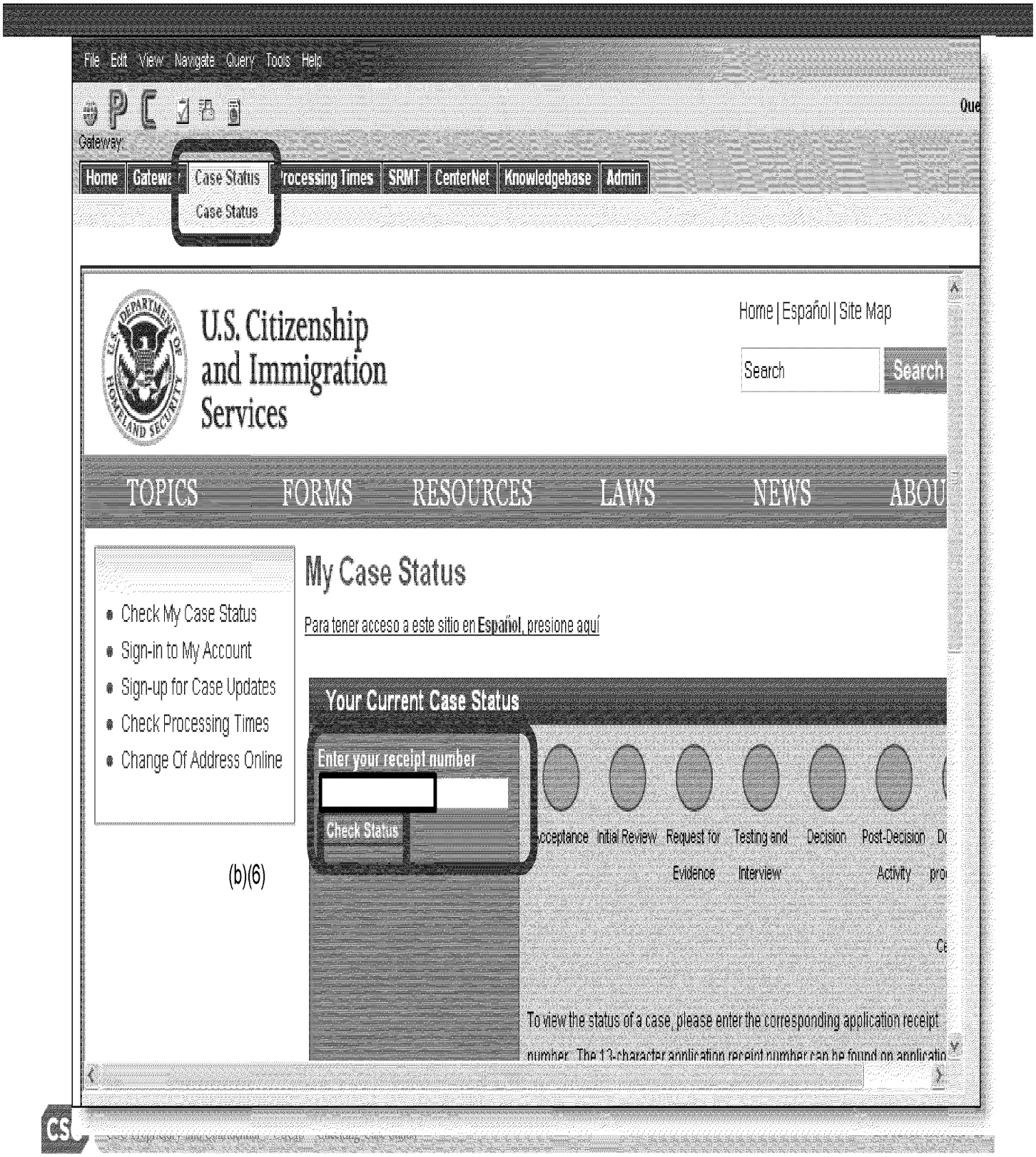
Do not click here!

Go to Siebel

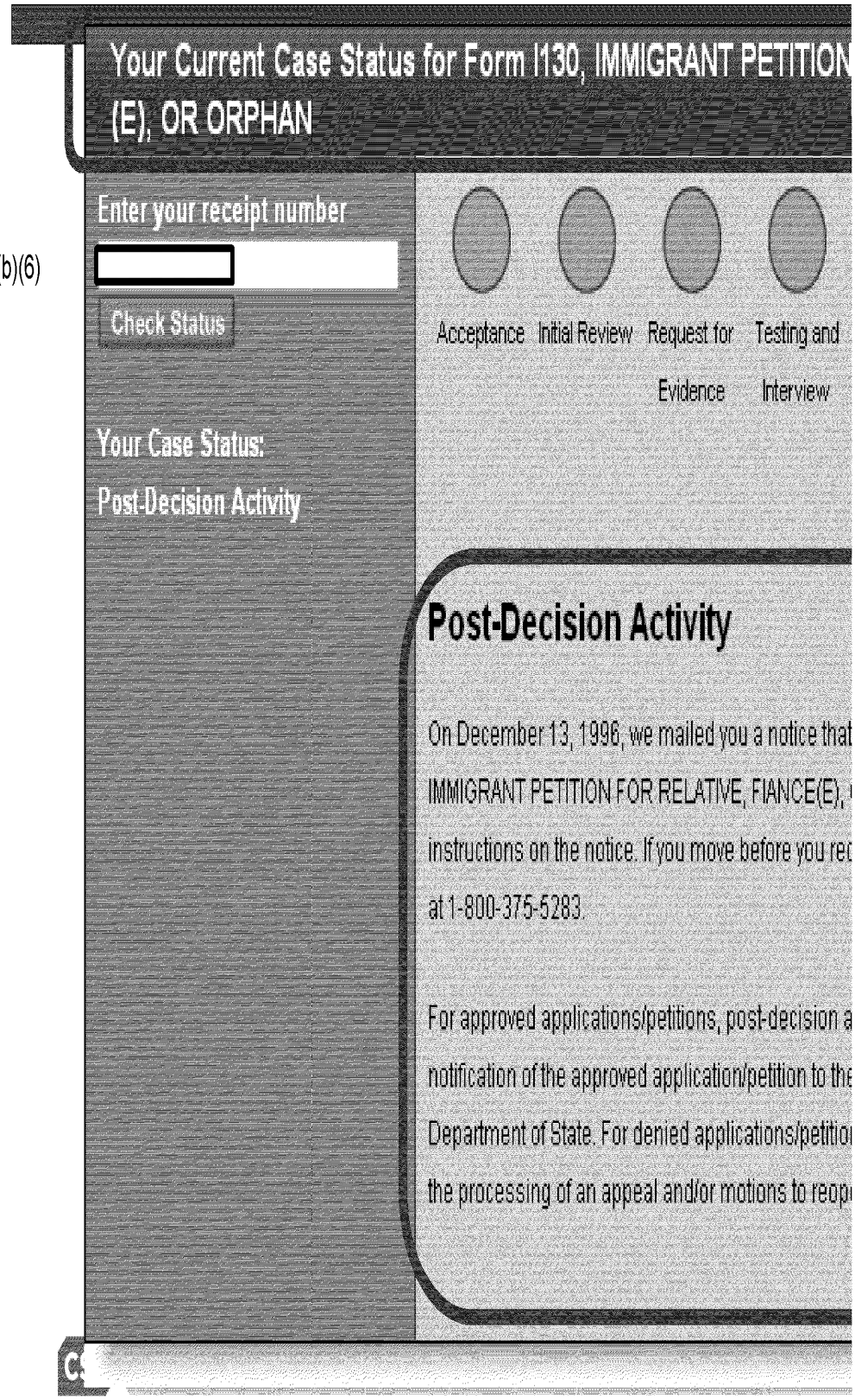
Was your case filed at a Service Center?

- YES
- NO

Case Status Search Page



Case Status Search Page



Case Status Search Page

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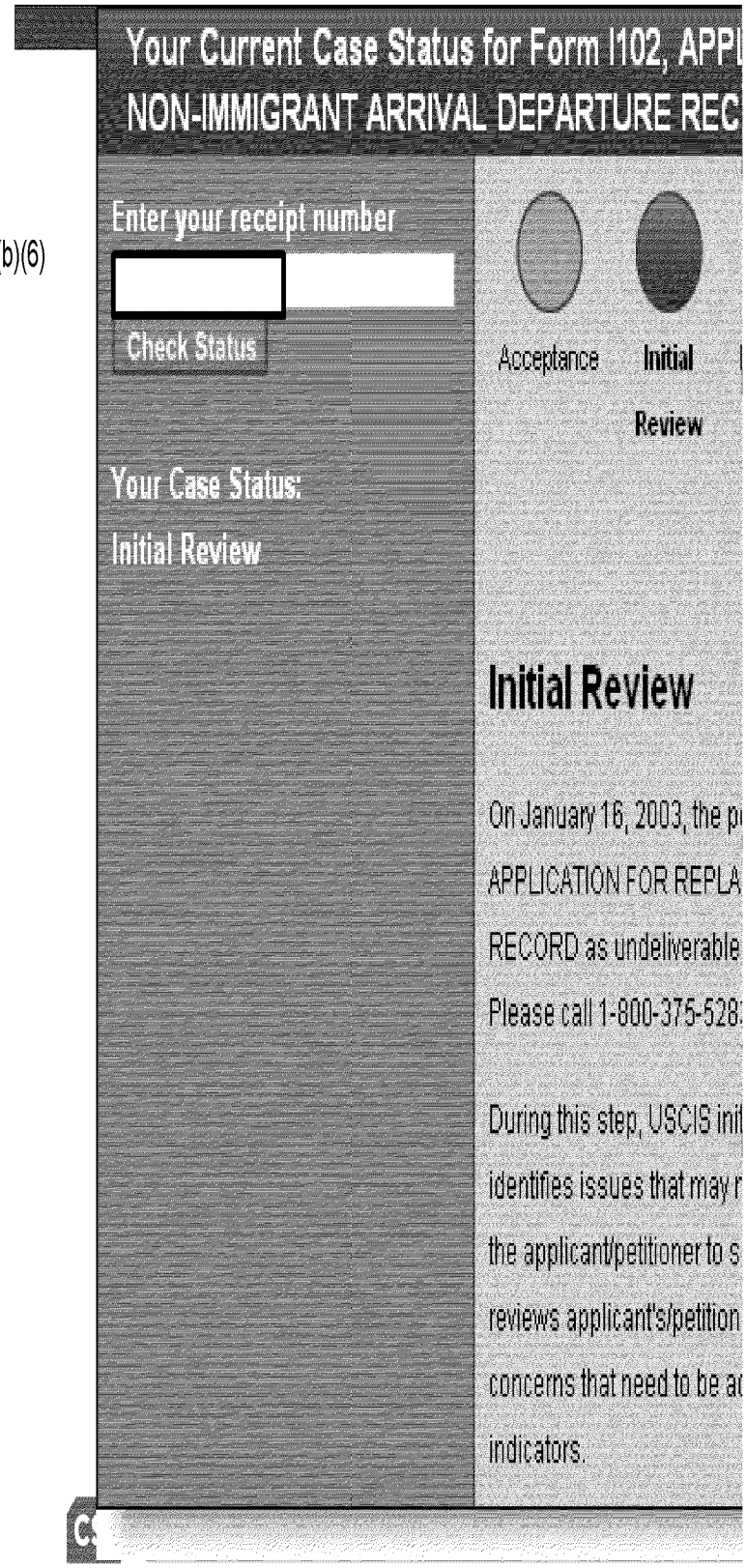

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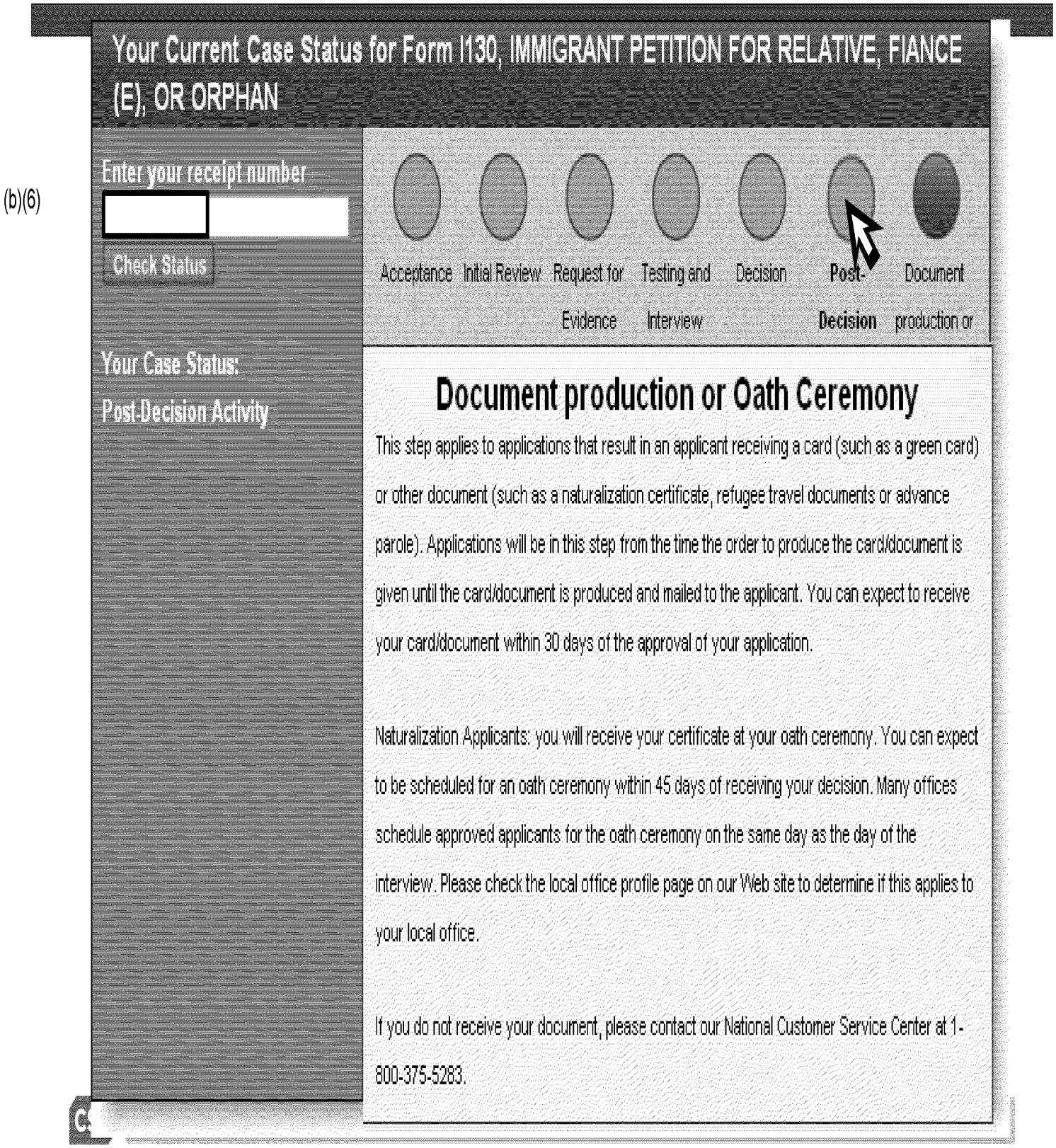

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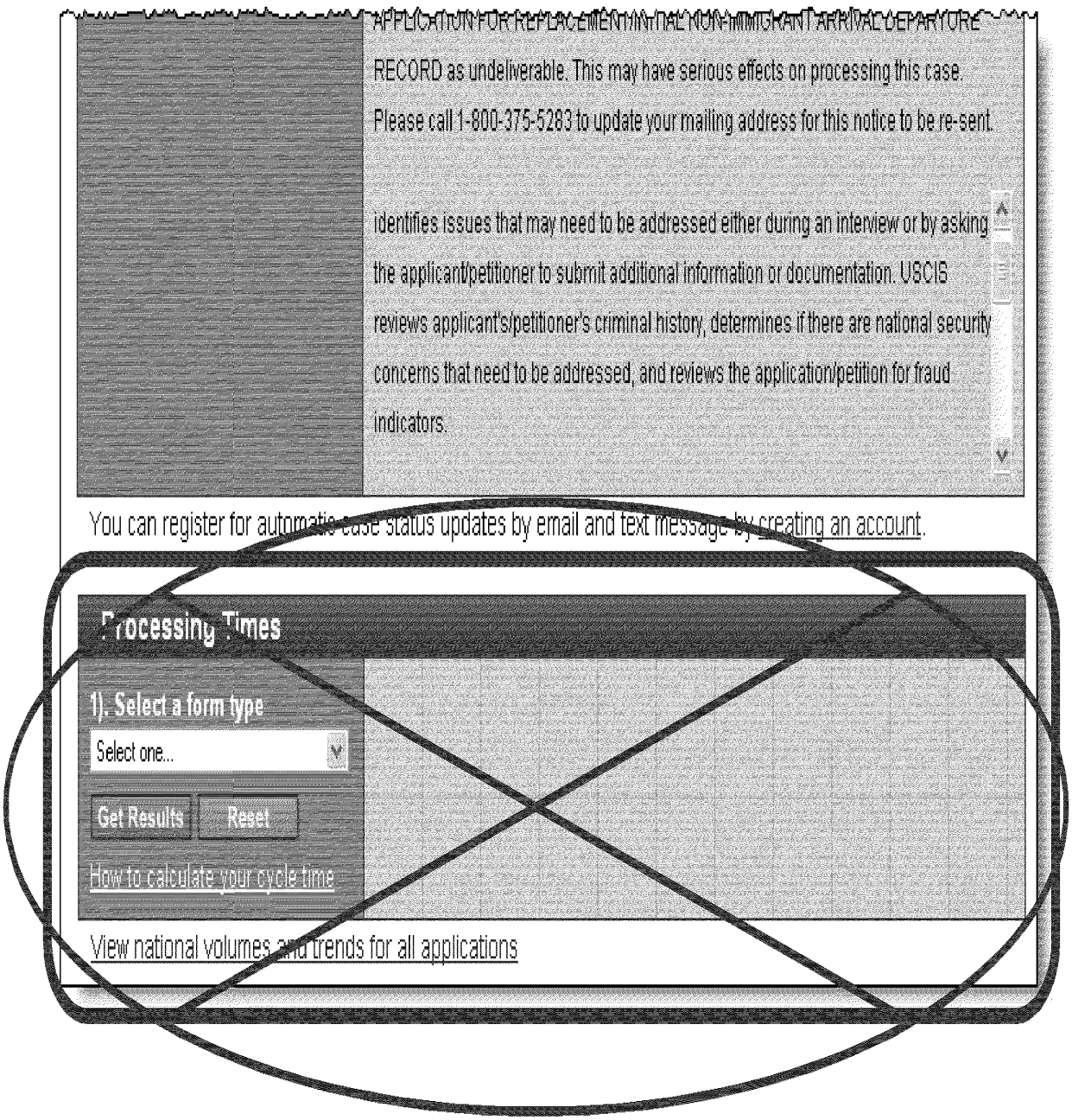
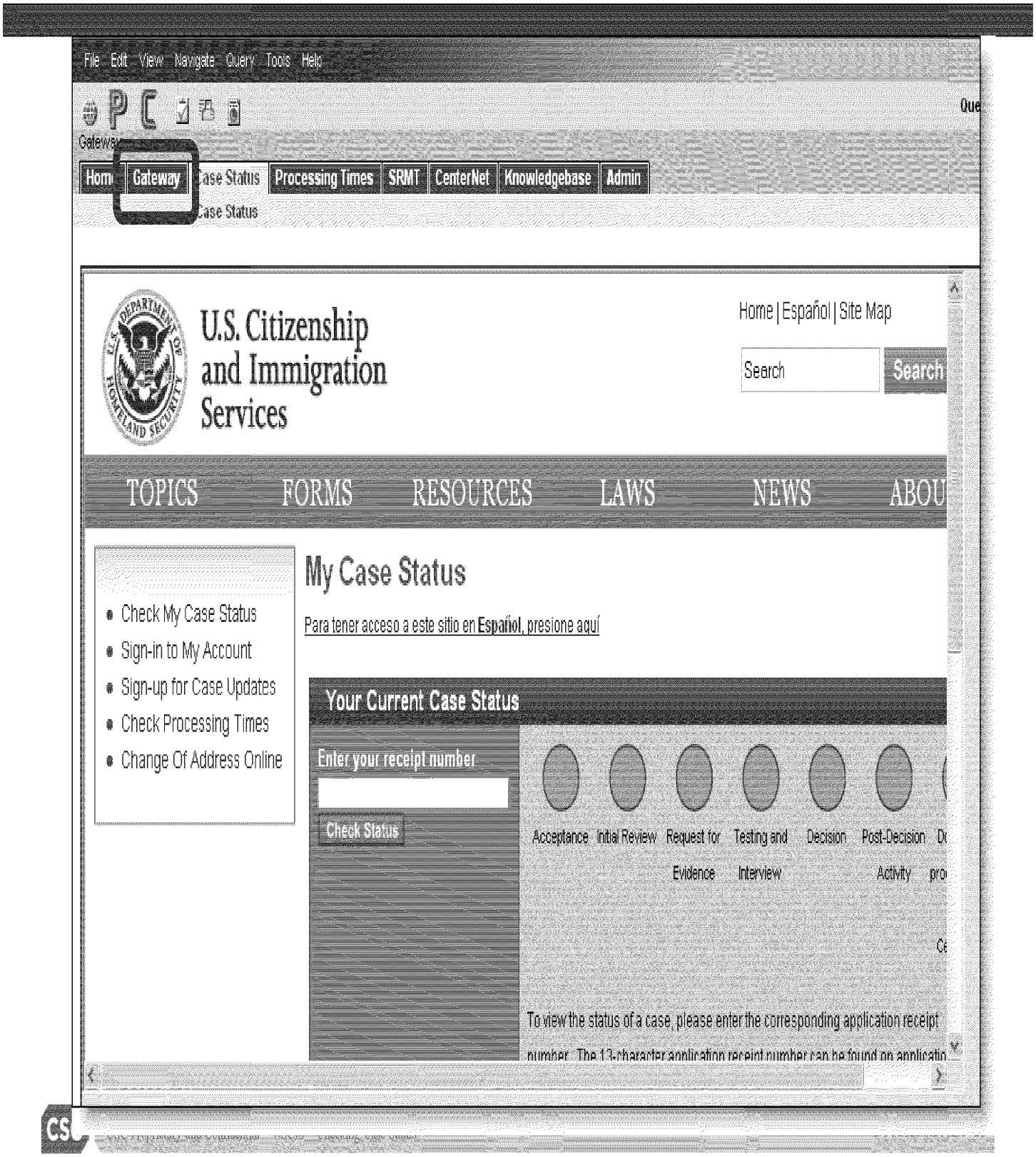


Continuing On ...



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To assist you, I will need to collect some information from you.

Note to Representative:

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- Note the status of the case;
- Note what form number is shown in case status online on the case filed and then continue below.

Was your case filed at a Service Center?

- YES
- NO

Called Before?

Have you called about this issue before?

- YES
- NO

Back to Pending Cases Main Menu

Questions About Your Case...

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Back to Pending Cases Main Menu

Questions About Your Case...

What question do you have about your currently pending case?

- I filed a case more than 30 days ago at a Service Center or more than 10 days ago at a Lockbox, but have not received a receipt notice.
- I have a receipt number from a Service Center but case status online does not have any information about my case, or I want to know where my case has been transferred for processing.
- I filed a Form I-485, I-765, I-821, I-131, I-600, I-600A, I-90, I-751, I-589, or N-400 and have not received a biometrics appointment notice within 30 days after delivery of my receipt notice.
- I filed a Form I-600 or I-600 A for the adoption of a foreign orphan and need to bring an issue to the attention of an adoption officer.
- I have not received a notice that case status online says was mailed to me more than 30 days ago (15 days if RFE).
- I believe my case is outside normal processing time (or pending over 75 days for I-765 and 25 days for asylum based I-765)
- I filed several cases together and received a notice or decision about some, but not others and I am concerned the companion cases may have been separated.
- I want to request the return of original supporting documents that I submitted as part of my application package.
- I believe I have an emergency that may allow my case to be expedited.
- I want information about Premium Processing Cases (I-907).
- I want information about how to withdraw an application or petition.
- I want to request that USCIS ask the FBI to expedite my name check.
- I have questions about the Kaplan Settlement and Expedited Processing for Supplemental Security Income (SSI) Recipients.
- General FAQs about other issues while my case is pending.

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Beyond Normal Processing Time

I understand that you believe your case is outside of normal processing times. I can assist you by verifying what the processing time is for your case. What type of form did you file and where did you file it?

Note to Representative: Check the processing times for the form type and appropriate office provided by the customer. Based on the processing time listed, does the case appear to be outside normal processing times?

> If **YES:** Go to SRMT and take an ONPT Service Request. Ensure the caller is within the "acceptable caller type" before taking a service request.
> If NO: Your case is still within the normal processing time for this type of case at this specific office. Please allow the amount of time shown in the processing times listed for this form on our website to pass.

The customer is calling about Form I-765.

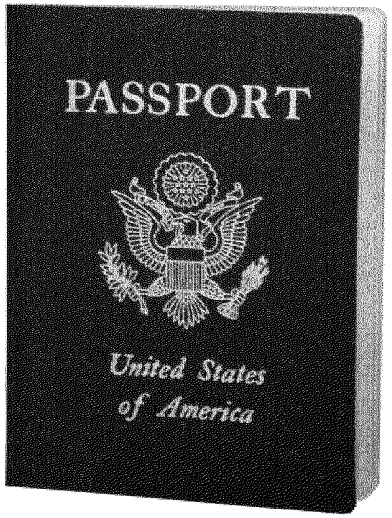
If the customer is calling about Form I-589 or Form I-881: Form I-589 is filed at Service Center but is not receipted in CLAIMS and is forwarded to the appropriate asylum office within 30 days after receipt; Form I-881 is filed directly with the Asylum Office. Forms I-881 and I-589 will NOT BE FOUND in Case Status Online. The case is either a Form I-589 or Form I-881.

If the customer is calling about an electronically filed Form I-129 for an O or P nonimmigrant worker: If Form I-129 was filed electronically for an O or P nonimmigrant worker, the actual processing time does not begin until USCIS has received all of the supporting documents that accompany the filing of the form. If the case appears to be outside the normal processing time based on the processing time matrix, go to SRMT and take an ONPT Service Request. Ensure the caller is within the "acceptable caller type" before taking a service request; If the case appears to be within normal processing times, please tell the customer: Your case is still within the normal processing time for this type of case at this specific office. Please allow the amount of time shown in the processing times listed for this form on our website to pass.

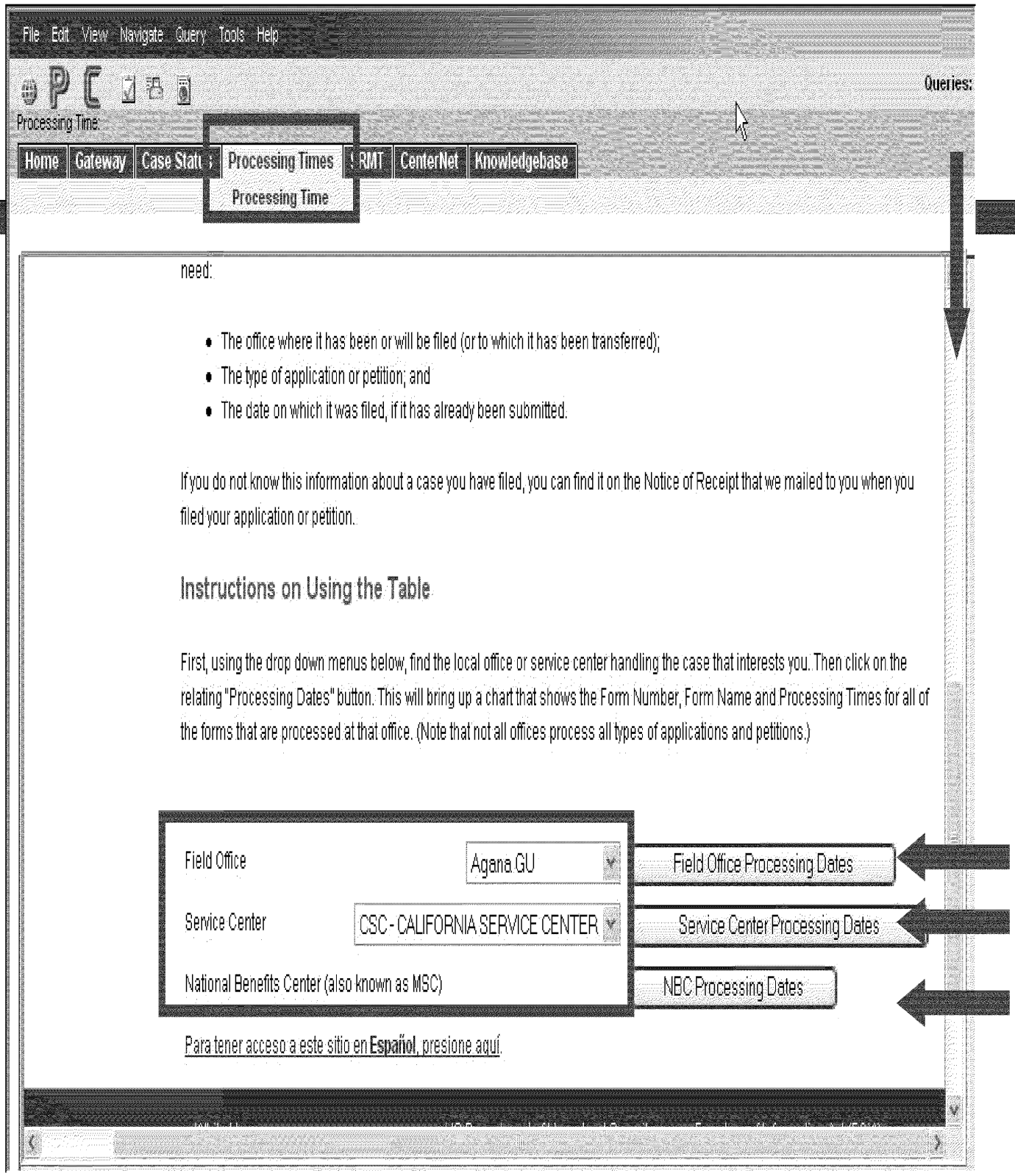
CSC

U.S. Citizenship and Immigration Services

Processing Times



Processing


File Edit View Navigate Query Tools Help
Queries:
Processing Time:
Home
Gateway
Case Statu
Processing Times
RMT
CenterNet
Knowledgebase
Processing Time
need:
The office where it has been or will be filed (or to which it has been transferred);
The type of application or petition; and
The date on which it was filed, if it has already been submitted.
If you do not know this information about a case you have filed, you can find it on the Notice of Receipt that we mailed to you when you filed your application or petition.
Instructions on Using the Table
First, using the drop down menus below, find the local office or service center handling the case that interests you. Then click on the relating "Processing Dates" button. This will bring up a chart that shows the Form Number, Form Name and Processing Times for all of the forms that are processed at that office. (Note that not all offices process all types of applications and petitions.)
Field Office
Agana GU
Field Office Processing Dates
Service Center
CSC - CALIFORNIA SERVICE CENTER
Service Center Processing Dates
National Benefits Center (also known as NBC)
NBC Processing Dates
Para tener acceso a este sitio en Español, presione aquí.

Form	Title	Classification or Basis for Filing:	Processing Timeframe:
I-102	Application for Replacement/Initial Nonimmigrant Arrival/Departure Record	Initial issuance or replacement of a Form I-94	2.5 Months
I-129	Petition for A Nonimmigrant Worker	Blanket L	2 Months
I-129	Petition for A Nonimmigrant Worker	E - Treaty traders and investors	May 25, 2012
I-129	Petition for A Nonimmigrant Worker	H-1B - Specialty occupation - Visa to be issued abroad	April 16, 2012
I-129	Petition for A Nonimmigrant Worker	H-1B - Specialty occupation - Change of status in the U.S.	April 16, 2012
I-129	Petition for A Nonimmigrant Worker	H-1B - Specialty occupation - Extension of stay in the U.S.	2 Months
I-129	Petition for A Nonimmigrant Worker	H-1C - Nurses	May 25, 2012
I-129	Petition for A Nonimmigrant Worker	H-2B - Other temporary workers	May 28, 2012
I-129	Petition for A Nonimmigrant Worker	H-3 - Temporary trainees	2 Months
I-129	Petition for A Nonimmigrant Worker	L - Intracompany transfers	1 Months
I-129	Petition for A Nonimmigrant Worker	O - Extraordinary ability	2 Weeks
I-129	Petition for A Nonimmigrant Worker	P - Athletes, artists, and entertainers	2 Weeks
I-129	Petition for A Nonimmigrant Worker	Q - Cultural exchange visitors and exchange visitors participating in the Irish Peace process	2 Months
I-129	Petition for A Nonimmigrant Worker	R - Religious occupation	5 Months
I-129	Petition for A Nonimmigrant Worker	TN - North American Free Trade Agreement (NAFTA) professional	2 Months
I-129F	Petition for Alien Fiance(e)	K-1/K-2 - Not yet married - fiance and/or dependent child	February 27, 2012
I-129F	Petition for Alien Fiance(e)	K-3/K-4 - Already married - spouse and/or dependent child	October 23, 2011
I-130	Petition for Alien Relative	Permanent resident filling for a spouse or child under 21	January 23, 2011

I-129

USCIS Customer Service Reference Guide	
Chapter 2.7	My case has been pending a long time and is either beyond normal processing times or approaching the regulatory time frame.
Unit 2.7.1	You believe your case is outside our normal processing time as indicated by our processing times posted online

OVERVIEW
A customer may call in because he/she believes that the case is taking longer than the processing times posted on the USCIS Web site. If the case is outside of normal processing times, an NCSC representative may be able to assist the customer by taking a service request on the customer's behalf.

CSR prompt – It appears you believe your case is outside our normal processing time. Is that correct?
If yes, continue below
If no, go to "Where to Start"

I understand that you believe your case is outside of normal processing times. I can assist you by verifying what the processing time is for your case. What type of form did you file and where did you file it?

Note to Representative: Check the processing times for the form type and appropriate office provided by the customer. Based on the processing time listed, does the case appear to be outside normal processing times?

If **YES:** Go to SRMT and take an ONPT Service Request. Ensure the caller is within the "acceptable caller type" before taking a service request.
If **NO:** Your case is still within the normal processing time for this type of case at this specific office. Please allow the amount of time shown in the processing times listed for this form on our website to pass.

The customer is calling about Form I-765.

If the customer is calling about Form I-589 or Form I-881: Form I-589 is filed at Service Center but is not receipted in CLAIMS and is forwarded to the appropriate asylum office within 30 days after receipt; Form I-881 is filed directly with the Asylum Office. Forms I-881 and I-589 will NOT BE FOUND in Case Status Online. The case is either a Form I-589 or Form I-881.

If the customer is calling about an electronically filed Form I-129 for an O or P nonimmigrant worker: If Form I-129 was filed electronically for an O or P nonimmigrant worker, the actual processing time does not begin until USCIS has received all of the supporting documents that accompany the filing of the form. If the case appears to be outside the normal processing time based on the processing time matrix, go to SRMT and take an ONPT Service Request. Ensure the caller is within the "acceptable caller type" before taking a service request; if the case appears to be within normal processing times, please tell the customer: Your case is still within the normal processing time for this type of case at this specific office. Please allow the amount of time shown in the processing times listed for this form on our website to pass.

Back to Case Status and Other Questions about a Pending Case Pending Cases Main Menu

Review

What do you need from a caller to check their case status?

Receipt Number

Where can a caller locate a Receipt Number?

Receipt Notice, Confirmation Notice, Cancelled Check or Money Order

After providing information from case status on line what's the next step?

Return to the Gateway and continue navigating to answer any additional questions about the caller's pending case

What Questions Do You Have For Me?

Day 7 Session 2 - AGENDA		
TIME/HRS	***ITEM / ACTIVITY***	***FACILITATOR(s)***
.25	Open Ended Discussion – This time will be used as a period for CSRs to ask any questions, or seek clarification regarding calls they were subject to during their time on the phone.	Operations Supervisor
.75	Additional ONPT Review– • What is ONPT • Different call flow for I-765 ONPT • Processing Times VS SRMT Processing Times • Forms not in processing times matrix	Operations Supervisor

1

- What is ONPT?

ONPT stands for Outside of Normal Processing Time. If an individual files an application with USCIS and believes their case has been processing too long they will call us to check the status of their case. We will go through our probing questions to determine if the case is in fact outside of the normal processing time, and if so we can often contact the office on their behalf by submitting a Service Request.

I understand that you believe your case is outside of normal processing times. I can assist you by verifying what the processing time is for your case. What type of form did you file and where did you file it?

The customer is calling about Form I-765.

Note to Representative: For all other forms check the processing times for the form type and appropriate office provided by the customer. Based on the processing time listed, does the case appear to be outside normal processing times?

- If **YES:** Choose the link for the form filed below.
  - Form I-730
  - Electronically filed Form I-129 for an O or P nonimmigrant worker
  - **Form I-589 or Form I-881:** Form I-589 is filed at Service Center but is not receipted in CLAIMS and is forwarded to the appropriate asylum office within 30 days after receipt; Form I-881 is filed directly with the Asylum Office. Forms I-881 and I-589 will NOT BE FOUND in Case Status Online. **The case is either a Form I-589 or Form I-881.**
  - All other types of forms.
- If NO: Tell the customer: Your case is still within the normal processing time for this type of case at this specific office. Please allow the amount of time shown in the processing times listed for this form on our website to pass. Once the time your case has been pending exceeds the processing time indicated for your type of case for the office processing your case you may want to consider going to our website and filing an electronic inquiry to notify USCIS your case is outside normal processing time. This option is available 24 hours a day. If this option does not meet your needs you may call the NCSC to speak with a representative during business hours.

- **Example – Customer filed an I-131, Application for USCIS Travel Document on 01/07/2015, with the Vermont Service Center and believes he should have already received a decision on his case.**

☐ **Supervisor – Use the call scenario above to have the CSRs navigate with you through ONPT to check the processing times for the I-131 at the Vermont Service Center. Use the processing times to determine if the case is ONPT. Point out the two different options depending on the results of the processing times, either completion of a Service Request or a scripted response that explains the case is still within the normal processing time.**

2

- **Different Call Flow for I-765 ONPT**

Although the call flow we just covered directs you to check the processing time of the office handling the case, there is a different call flow for the I-765, Application for Employment Authorization. With this form type you should never check the processing times. Instead follow through your probing questions to determine if the case is:

- Within the Normal Processing Time (Less than 75 days)
- Approaching the Regulatory Timeframe (Between 75 – 90 days)
- Beyond the Regulatory Timeframe (Over 90 days)

☐ **Supervisor – Navigate with the CSRs through the I-765 call flow.**

I understand that you believe your case is outside of normal processing times. I can assist you by verifying what the processing time is for your case. What type of form did you file and where did you file it?

The customer is calling about Form I-765.

Note to Representative: For all other forms check the processing times for the form type and appropriate office provided by the customer. Based on the processing time listed, does the case appear to be outside normal processing times?

- If **YES:** Choose the link for the form filed below.
  - Form I-730
  - Electronically filed Form I-129 for an O or P nonimmigrant worker
  - **Form I-589 or Form I-881:** Form I-589 is filed at Service Center but is not receipted in CLAIMS and is forwarded to the appropriate asylum office within 30 days after receipt; Form I-881 is filed directly with the Asylum Office. Forms I-881 and I-589 will NOT BE FOUND in Case Status Online. The case is either a Form I-589 or Form I-881.
  - All other types of forms.
- If NO: Tell the customer: Your case is still within the normal processing time for this type of case at this specific office. Please allow the amount of time shown in the processing times listed for this form on our website to pass. Once the time your case has been pending exceeds the processing time indicated for your type of case for the office processing your case you may want to consider going to our website and filing an electronic inquiry to notify USCIS your case is outside normal processing time. This option is available 24 hours a day. If this option does not meet your needs you may call the NCSC to speak with a representative during business hours.

USCIS Customer Service Call Guide Volume 2 -- Already Filed (Pending Cases) Page 179 of 195

What is the total processing time elapsed since filing this case?

- 75 days or less (25 days or less for asylum applicants)
- Between 75 and 90 days (Between 25 and 30 days for asylum applicants)
- Over 90 days (More than 30 days for asylum applicants)

Back to: Pending Cases Main Menu

3

- USCIS Website Processing Times vs. SRMT Processing Times

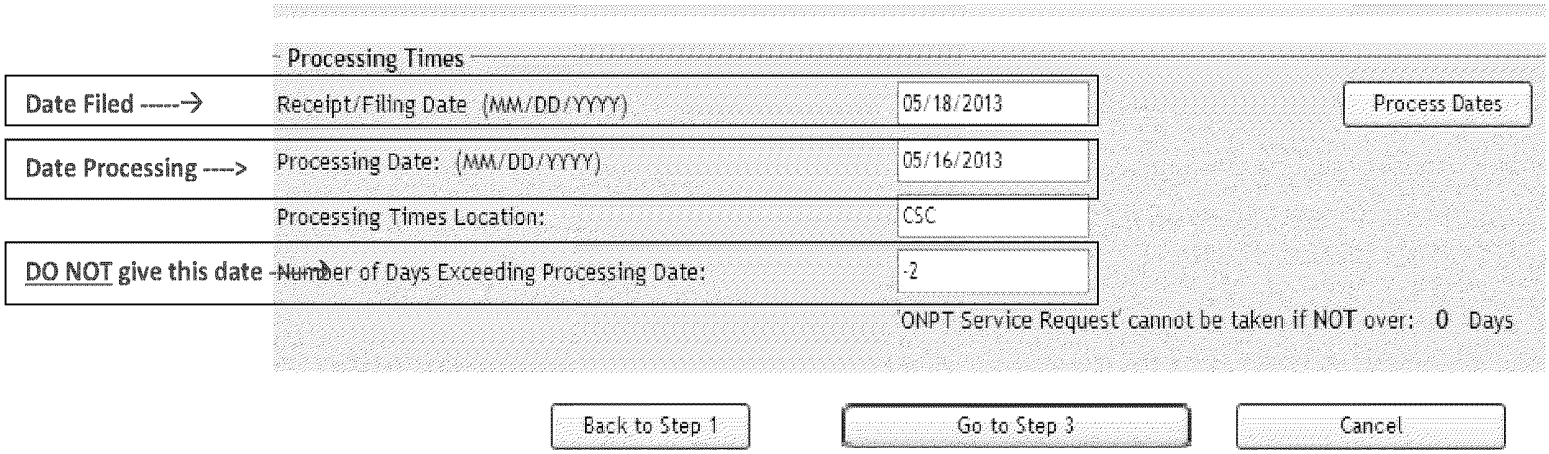
While navigating through ONPT the first direction you're given is to check the processing times for the form type the customer has filed. Often times the processing times listed will give an estimate of how many months it could take to adjudicate the application (6 months) instead of actually showing the date the office is working on.

I-130	Petition for Alien Relative	Permanent resident filling for a spouse or child under 21	5 Months
I-130	Petition for Alien Relative	U.S. citizen filing for an unmarried son or daughter over 21	March 11, 2010

- **Processing Time – Specific Date**
  If the processing time listed is the date (March 11, 2010) it makes it much simpler for you to determine if the case is ONPT. Whatever date is listed for the form in the processing times will also be listed as the processing time in SRMT. For example, the I-130 filed by a U.S. Citizen (see above) for their unmarried son or daughter shows a processing time of March 11, 2010. If the customer filed their application any time prior to the date listed (March 11, 2010) you will be able to complete a Service Request for ONPT.

- **Processing Time – Estimated Months**
  If the processing time listed on the USCIS website shows an estimated amount of months (5 Months) it can complicate the task of determining if the case is ONPT due to the fact that SRMT will provide the specific date listed in its system.

  For example, your customer is a Permanent Resident who filed the I-130, Petition for Alien Relative, with the California Service Center on behalf of their unmarried daughter under 21, on May18, 2013. They call you on November 20, 2013, because they believe their case is ONPT due to the fact that it's beyond the 5 month processing time. When you check the processing time at the California Service Center on the USCIS website the processing time shown is 5 months. Because their case was filed on May 18, 2013 and has been pending for over 5 months it would appear to be ONPT. Our Gateway script directs you to navigate to SRMT to complete an ONPT Service Request.
  Once you're in SRMT, you will input the date the customer filed their application (May 18, 2013), select ONPT, and then select the Processing Times button on Page 2 of SRMT. Once you select Processing Times tab SRMT will automatically generate the specific date the office is processing.



When this happens you are unable to complete the Service Request. You must explain to the customer that although the estimated timeframe of 5 months has passed, upon further review you were able to determine that their case is still within the normal processing time.

The reason you don't give the number of days exceeding the processing date is because it could set inappropriate expectations for the customer. If you tell the customer the number of days exceeding their processing time is 2 days, they can interpret that as saying they should expect to receive their decision within 2 days. In all actuality it depends on the number of I-130 petitions the office received during that period and the amount of staff available to process those cases.

5

- Forms not in Processing Times Matrix

In some instances the customer will call to check the status of their case and determine if it is outside of the normal processing time. When you go to check the processing time for their case you will realize that no processing time is available.

☐ Supervisor – Show example by pulling up processing times of an I-130 Immigrant petition for alien relative at the NBC. If the customer was a U.S. Citizen who filed for a married child and their petition was pending with the NBC no processing time is available.

When this happens you are unable to determine if the case is or is not outside of the normal processing time, because we're not provided with any dates. In this scenario you must navigate to Centernet > Job Aids – Content > Matrix – Forms not in Processing Times.

☐ Supervisor – Navigate to Centernet and pull up the Job Aid for CSRs to view the response.

Response to Caller:
"The length of time for the processing of forms received at USCIS varies. Many factors contribute to the timeframes including the amount of applications or petitions that are the same type as you have filed and were received prior to yours. The actual processing of an application or petition may be shorter or longer due to a wide variety of reasons. You will be contacted once your forms have been processed."

USCIS Customer Service Reference Guide	Last Updated: 12-17-15
Volume 1	Approved, Denied, Revoked or Recently Became a Permanent Resident

Note to Representative: If the customer is calling about a duplicate Permanent Resident Card or duplicate Employment Authorization Document

Note to Representative: For an attorney, an accredited representative, or a community based organization transferring from the legal representative section of the "Where to Start" menu.

If the caller arrives here directly from the IVR, ask the caller,

Are you an employer, a legal representative, or a USCIS customer?

- Employer
- Legal Representative who has filed a G-28
- USCIS Customer

Note to Representative: The phrase "legal representative" refers equally to:

- attorneys/law-firms
- accredited representatives
- Community-based organizations (CBO's).

Note to Representative: If the customer is a legal representative calling on behalf of a client but does NOT have a G-28 on file, please provide the customer the following message: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

Back to: Main Menu

Do you have questions about the Administrative Site Visit and Verification Program (ASVVP) or the status of a petition you filed on behalf of a prospective employee?

- Administrative Site Visit and Verification Program
- Status of a petition you filed on behalf of a prospective employee

Back to: Approved/Denied or Revoked/New Permanent Resident Main Menu

To assist you, I will need to collect some information from you.

Have you/your client received a receipt notice with your/your client's, receipt number?

- YES
- NO

Back to: Approved/Denied or Revoked/New Permanent Resident Main Menu

Do you have your/your client's receipt number available now?

- YES
- NO

Back to: Approved/Denied or Revoked/New Permanent Resident Main Menu

What is the receipt number?

Note to Representative: Note the receipt number provided by the customer for a future search of Case Status Online.

Have you/your client called about this issue on this specific case before?

- YES
- NO

Back to: Approved/Denied or Revoked/New Permanent Resident Main Menu

Note to Representative:

- If the customer does not currently have a receipt number available but will be able to retrieve it later, please ask them to call back once they have the receipt number.
- For ELIS customers: If the customer does not have his/her receipt number and will not be able to retrieve it later:
  - If it has not yet been 60 days since the customer paid the fee, please advise the customer that a receipt number will not be available until 60 days after payment.
  - If it has been 60 days or more, tell the customer to: Please visit https://egov.uscis.gov/cris/contactus and fill out the Electronic Immigration System Online Help Form requesting an update of your status. Please remember to include your full name, A-number, date of birth, and country of birth when completing the Form. You can find your A-Number on your immigrant data summary, USCIS Immigrant Fee handout, or immigrant visa stamp.
- For non-ELIS customers: if the customer indicates they have lost their receipt number, please transfer the call to Tier 2, UNLESS Tier 2 live assistance is unavailable.

Back to: Approved/Denied or Revoked/New Permanent Resident Main Menu

Note to Representative: Did the receipt number provided by the caller start with EAC, SRC, LIN, or WAC?
If the receipt prefix is MSC or NBC please select "NO" below.

- YES
- NO

Back to: Approved/Denied or Revoked/New Permanent Resident Main Menu

Was a service request created on your/your client's behalf on the previous call?

- YES
- NO

Back to: Approved/Denied or Revoked/New Permanent Resident Main Menu

Have you/your client received a response to that service request?

- YES
- NO

Back to: Approved/Denied or Revoked/New Permanent Resident Main Menu

Has it been 30 days since the service request was responded to?

- YES
- NO

Back to: Approved/Denied or Revoked/New Permanent Resident Main Menu

Has it been 30 days since the initial service request was created?

- YES
- NO

Back to: Approved/Denied or Revoked/New Permanent Resident Main Menu

Have you/your client requested the service request be updated and resent to the appropriate office?

- YES
- NO

Back to: Approved/Denied or Revoked/New Permanent Resident Main Menu

Have you/your client received a response to the updated service request?

- YES
- NO

Back to: Approved/Denied or Revoked/New Permanent Resident Main Menu

Has it been 30 days since the service request was updated and resent to the appropriate office?

- YES **Note to Representative:** The link will take you to the menu of issues which will lead you to the appropriate service request type where you can follow the override routing instructions.
- NO

Back to: Approved/Denied or Revoked/New Permanent Resident Main Menu

Please wait 30 days for an answer to your service request and completion of any promised actions or notices before requesting creation of a subsequent service request.

Back to: Approved/Denied or Revoked/New Permanent Resident Main Menu

Please wait 30 days before requesting a new service request be created.

Back to: Approved/Denied or Revoked/New Permanent Resident Main Menu

Was a service request created on your/your client's behalf on the previous call?

- YES
- NO

Back to: Approved/Denied or Revoked/New Permanent Resident Main Menu

Have you/your client received a response to that service request?

- YES
- NO

Back to: Approved/Denied or Revoked/New Permanent Resident Main Menu

Has it been 30 days since the service request was responded to?

- YES
- NO

Back to: Approved/Denied or Revoked/New Permanent Resident Main Menu

Has it been 30 days since the initial service request was created?

- YES
- NO

Back to: Approved/Denied or Revoked/New Permanent Resident Main Menu

Have you/your client submitted an email to the appropriate Service Center for follow-up?

- YES
- NO

Back to: Approved/Denied or Revoked/New Permanent Resident Main Menu

Note to Representative: Please provide the customer with the appropriate USCIS Service Center e-mail listed below based on their receipt prefix. The customer can e-mail the Service Center that has jurisdiction over his/her case. The customer's receipt notice will indicate **EAC** for the Vermont Service Center, **SRC** for the Texas Service Center, **LIN** for the Nebraska Service Center, and **WAC** for the California Service Center.

California Service Center: csc-ncsc-followup@uscis.dhs.gov
Vermont Service Center: vsc.ncscfollowup@uscis.dhs.gov
Nebraska Service Center: ncscfollowup.nsc@uscis.dhs.gov
Texas Service Center: tsc.ncscfollowup@uscis.dhs.gov

Read the following to the customer: When e-mailing the service center, you should provide the information about what happened the first time you or your client called us about this issue. Also, if you remember, provide the name and/or ID number of the representative you or your client talked to when you called the first time, the date and time of the call, and if applicable, any service request referral number. You should also provide your receipt number, alien registration number, type of application filed and date filed. You should expect to receive a response from this e-mail within 21 days.

Back to: Approved/Denied or Revoked/New Permanent Resident Main Menu

Have you/your client received a response to the email sent to the Service Center?

- YES
- NO

Back to: Approved/Denied or Revoked/New Permanent Resident Main Menu

Has it been 21 days since the email inquiry was sent to the Service Center?

- YES
- NO

Back to: Approved/Denied or Revoked/New Permanent Resident Main Menu

Have you/your client submitted an email to HQ Service Center Operations?

- YES
- NO

Back to: Approved/Denied or Revoked/New Permanent Resident Main Menu

Please wait 21 days for an answer to your email inquiry and completion of any promised actions or notices before requesting creation of a subsequent service request.

Back to: Approved/Denied or Revoked/New Permanent Resident Main Menu

You can e-mail the USCIS Headquarters Office of Service Center Operations at: SCOPSSCATA@uscis.dhs.gov. When e-mailing Service Center Operations, you should provide the same information you, or your client, emailed to the service center. You should expect to receive a response from this e-mail within 10 days.

Note to Representative: If the caller needs a reminder of what they were to include, read the following: You should provide the information about what happened the first time you or your client called us about this issue. Also, if you remember, provide the name and/or ID number of the representative you or your client talked to when you called the first time, the date and time of the call, and if applicable, any service request referral number. You should also provide your receipt number, alien registration number, type of application filed and date filed.

Back to: Approved/Denied or Revoked/New Permanent Resident Main Menu

Have you/your client received a response to the email from HQ Service Center Operations?

- YES
- NO

Back to: Approved/Denied or Revoked/New Permanent Resident Main Menu

Has it been 10 days since the email inquiry was sent to HQ Service Center Operations?

- YES **Note to Representative:** The link will take you to the menu of issues which will lead you to the appropriate service request type where you can follow the override routing instructions.

- NO

Back to: Approved/Denied or Revoked/New Permanent Resident Main Menu

Please wait 10 days for an answer to your service request.

Back to: Approved/Denied or Revoked/New Permanent Resident Main Menu

What is the current status of your case?

Back to: Approved/Denied or Revoked/New Permanent Resident Main Menu

Chapter 1 Recently Became a Permanent Resident

What is the issue concerning your permanent resident card or status?

Unit 1 My address changed while waiting for my Permanent Resident Card

Unit 2 There is a typographical/other error on my Permanent Resident Card or Approval Notice

Unit 3 I have concerns about the delivery of my Permanent Resident Card

Unit 4 I have a child that recently entered the United States with an IR-3 immigrant visa, but he/she has not yet received his/her Certificate of Citizenship

Note to Representative: If the customer is calling to ask why his/her signature does not appear on his/her Permanent Resident Card, please inform the customer as follows: Permanent Resident Cards do not always include the holder's signature. USCIS may waive the signature requirement for certain people, such as children under the age of consent or individuals who are physically unable to provide a signature. Additionally, since February 2015, we have been waiving the signature requirement for people entering the U.S. for the first time as lawful permanent residents after obtaining an immigrant visa abroad from a U.S. Embassy or consulate. When we issue a Permanent Resident Card without a signature, the card will say "Signature Waived" on the front and back of the card where a signature would normally be located.

Back to: Approved/Denied or Revoked/New Permanent Resident Main Menu

Chapter 1	Recently Became a Permanent Resident
Unit 1	My Address Changed While Waiting For My Permanent Resident Card

OVERVIEW

Certain customers are legally obligated to inform USCIS when they move. Customers who are not U.S. citizens, who are 14-years of age or older, and who have moved, are required to submit a completed Form AR-11 within ten days of the move. Customers, whether or not U.S. citizens, who have submitted Form I-864, Affidavit of Support, on behalf of someone who has become a permanent resident and the Affidavit of Support is still in force, are required to complete Form I-865 within thirty days of the move.

Prompt – It appears your address has changed while waiting for your permanent resident card. Is that correct?
If yes, continue below
If no, go to "Where to Start"

If your address has changed it is very important that you notify USCIS. If your card or notice has not yet been issued, I can help you update your address. If the card or notice has already been issued, I can provide you with some helpful information and may be able to otherwise assist you by informing the appropriate office of your situation. Before I can help you, I will need some information from you...

Note to Representative:
Go to Case Status Online and check the customer's receipt number. Note the status of the case and the form number filed that is shown in Case Status Online.

Exception:

- Forms I-751 and I-829 receive receipt numbers but are not entered into Case Status Online because they are data entered in a separate system. For change of address inquiries related to the delivery of a permanent resident card on these two forms, please transfer the call to Tier 2, UNLESS Tier 2 live assistance is unavailable.

Chose the category the status you obtained from Case Status Online falls into:

- No automated information in Case Status Online
- No approval notice or Permanent Resident Card sent yet
- Permanent Resident Card sent more than 30 days ago, was returned as undeliverable and has been destroyed
- Permanent Resident Card sent more than 30 days ago, was returned as undeliverable and case status online does NOT show it has been destroyed

Back to: Recently Became a Permanent Resident Approved/Denied or Revoked/New Permanent Resident Main Menu

If Case Status Online does not show that an approval notice or Permanent Resident Card has been sent yet, go to SRMT and create a Change of Address service request. Ensure the caller is within the "acceptable caller type" before taking a service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
  - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

More information about non-receipt of an approval notice

More information about non-receipt of a Permanent Resident Card

Back to: Address Changed Recently Became a Permanent Resident Approved/Denied or Revoked/New Permanent Resident Main Menu

If Case Status Online shows that an approval notice or Permanent Resident Card **was sent more than 30 days ago, was returned as undeliverable and has been destroyed**, give the customer this message: you will be required to apply for a replacement document and, in most cases, submit a fee with that application for a replacement document.

More information about non-receipt of an approval notice

More information about non-receipt of a Permanent Resident Card

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If Case Status Online shows that an approval notice or Permanent Resident Card **was sent more than 30 days ago, was returned as undeliverable and case status online does NOT yet show it has been destroyed** go to SRMT and take a Non-Delivery service request, indicating in the Comments block what specific notice or document is in the file at the office. Ensure the caller is within the "acceptable caller type" before taking a service request. If there is an issue with the address, draw attention to it in the comments block. Do not take a separate Change of Address service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

More information about non-receipt of an approval notice

More information about non-receipt of a Permanent Resident Card

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Chapter 1	Recently Became a Permanent Resident
Unit 2	Typographical Error on a Document or Approval Notice

OVERVIEW

Typographical errors appear when incorrect information was initially provided by a customer or when data was incorrectly entered during case processing. Typographical errors are often simple – such as the transposition of a few letters – but they can also present greater problems, such as a document being sent to the wrong person. Other errors such as having an incorrect picture can also occur. In some cases, such as when a typographical error appears on a naturalization certificate or permanent resident card, the customer may be required to submit another application to get the error resolved and be issued a new, corrected document.

Prompt – It appears you are a new permanent resident who has received a notice or a card with errors on it. Is that correct?
If yes, continue below
If no, go to "Where to Start"

Where did the error occur?

Section 1 Typographical/other error on a Permanent Resident Card

Section 2 Typographical error on an approval notice

Section 3 Notice or document received by wrong person

Back to: Recently Became a Permanent Resident Approved/Denied or Revoked/New Permanent Resident Main Menu

Chapter 1	Recently Became a Permanent Resident
Unit 2	Typographical/Other Error on a Permanent Resident Card
Section 1	Typographical/Other Error on a Document

Typographical/Other Error on I-551 (Permanent Resident Card)

If you/your client received a Permanent Resident Card with an error on it, you/your client will need to file:

- A new Form I-90, Application to Replace Permanent Resident Card;
- Any supporting documents; and
- The original I-551 Permanent Resident Card.

You/your client can download Form I-90 from our website at www.uscis.gov. Please carefully follow the instructions to the form.

If the error was caused by USCIS, and if you/your client can document that the error was the fault of USCIS, you/your client may not have to pay the filing fee for Form I-90. When re-filing, please also submit a detailed explanation of the error. The final decision concerning a fee waiver lies with the office taking the application.

If the error on the card was due to incorrect information you/your client provided or information you/your client failed to provide, or if you/your client cannot establish that the error was the fault of USCIS, you/your client will be required to pay the filing fee.

In most cases, the corrected card can be created from existing biometric data. If new biometric data is needed, you/your client will be mailed a notice scheduling you/your client for an appointment to go to an Application Support Center (ASC) to have your/their fingerprint, photo and signature taken.

Do you believe the error was caused by USCIS or that you or your representative caused the error?

- Customer believes error was on the part of USCIS
- Customer believes error was on their part or their representatives part

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Do you believe this error is going to cause a negative impact on your/their ability to work or travel?

- YES
- NO

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Note to Representative: If the customer indicates an issue that appears may have a negative effect to his/her work or ability to travel and return to the U.S, go to SRMT and take an "**expedite**" service request. When completing a service request, include the expedite criteria the customer thinks they qualify under, in the "comments field." Ensure the caller is within the "acceptable caller type" before taking a service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

Back to: Typographical Error Recently Became a Permanent Resident Approved/Denied or Revoked/New Permanent Resident Main Menu

You or your client will be required to file a new Form I-90 with fee to correct the typographical error caused by you or your client.

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Is the typographical error part of the customer's address?

- YES
- NO

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Did you file your application or petition using USCIS ELIS?

- YES
- NO

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Note to Representative: If the situation does **not** appear to be an emergency, go to SRMT and take a "**typographical error**" service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
  - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Note to Representative: Inform the customer of the following: If you filed your form in ELIS, we can take a change of address for you, but please be advised that if you log into your ELIS account and change your address yourself it will be immediately reflected in your immigration record. Our telephonic process can take up to five days to be completed. If they still want to submit the change of address over the phone, Go to SRMT and take a "Change of Address" service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Note to Representative: Go to SRMT and take a "Change of Address" service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Chapter 1	Recently Became a Permanent Resident
Unit 2	Typographical Error on a Document or Approval Notice
Section 2	Typographical Error on an Approval Notice

Note to Representative: Typographical errors on an approval notice only requires action if the error will affect the customer's ability to travel abroad and return to the United States or obtain/retain employment. If the customer indicates that the error may affect his/her ability to travel or work and will have immediate negative consequences in that regard, go to SRMT and take an "**expedite**" service request. Include the expedite criteria the customer believes he/she qualifies under in the "comments" field. Ensure the caller is within the "acceptable caller type" before taking a service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create he service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

If the situation does not appear to be an emergency, go to SRMT and take a "**typographical error**" service request. If the error is part of the customer's address, go to SRMT and take a "Change of Address" service request instead.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create he service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Chapter 1	Recently Became a Permanent Resident
Unit 2	Typographical Error on a Document or Approval Notice
Section 3	Notice or Document Received by Wrong Person

If you, or your client, have received a document or notice that does not belong or relate to you or your client – or would like to report that a notice or document was received by the wrong person - I will need to collect some information from you to resolve the situation. We will forward the information you provide to the appropriate office or center and you will be contacted with instructions.

Note to Representative: Collect the following information from the customer:

- The name on the document or notice
- The receipt number and/or A-Number on the document or notice
- The type of card or document or, if a notice, the type of case it relates to (if known), and
- The name and address of the person who received the document (the caller)

Go to SRMT and take a "**typographical error**" service request and note in the comments that the "document/notice was received by a person with no bearing on the case".

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
  - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Chapter 1	Recently Became a Permanent Resident
Unit 3	Non-Delivery of a Permanent Resident Card

OVERVIEW

When a customer becomes a permanent resident, a permanent resident card is generated and mailed along with a welcome notice. The permanent resident card is proof of the customer's status in the United States. A customer may also apply to renew/replace their permanent resident card or apply to have the conditions removed on their residence. Both of these may also result in a permanent resident card being generated and mailed. If a customer does not receive the card, in some cases it may be appropriate to create a service request in order to resolve the issue. In other cases, the customer may need to file an application for a replacement card.

Prompt – It appears you are having issues with the delivery of a Permanent Resident Card. Is that correct?
If yes, continue below
If no, go to "Where to Start"

What action generated the request for a permanent resident card for you or your client?

- I or my client entered the United States with an immigrant visa
- My or my client's adjustment of status application was approved by a USCIS office
- My or my client's application to renew or replace my or my client's permanent resident card was approved
- My or my client's application for removal of conditional residence was approved
- I or my client was granted permanent residence by an immigration judge

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Were you or your client issued your Immigrant Visa by a U.S. Embassy or Consulate on or after February 1, 2013?

- Yes
- No

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Were you issued a visa either as an Afghan/Iraqi Special Immigrant who has translated for or assisted the U.S. government or as a child who entered the U.S. under the Orphan or Hague adoption programs?

- Yes
- No

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Has it been 60 days since you/your client was admitted into the U.S.?

- Yes
- No

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Please wait 60 days from the date you or your client was admitted into the U.S. to receive your or your client's permanent resident card. If you, or your client, have not received your or your client's card after 60 days please call us back.

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Did you, your client, or someone else pay your or your client's USCIS Immigrant Fee?

- Yes
- No

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Please go to our website at www.uscis.gov/uscis-elis to pay your immigrant fee or inform your client or someone on their behalf to do so. Your or your client's permanent resident card cannot be produced until the fee is paid. Please wait 60 days from the date you or your client paid your or your client's immigrant fee to receive your or your client's permanent resident card. If you, or your client, have not received your or your client's card after 60 days please call us back.

Note to Representative: For FAQs about the USCIS Immigrant Fee, go to Volume 4.3. There is a link to the FAQs on the first page of the volume under Chapter 4.3.4, Helping a Relative Become a Permanent Resident. Regardless of who sponsored the immigrant, the Immigrant Fee will be the same.

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Has it been 60 days since you, your client or someone else paid the fee?

- Yes
- No

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Please wait 60 days from the date you, your client, or someone else paid your or your client's immigrant fee to receive your or your client's permanent resident card. If you, or your client, have not received your or your client's card after 60 days please call us back.

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Has it been 60 days since you/your client was admitted into the U.S.?

- Yes
- No

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Do you have your immigrant visa number?

Note to Representative: the immigrant visa number will be the same number of digits as the alien number.

- Yes. **Note to Representative:** transfer the call to Tier 2, UNLESS Tier 2 live assistance is unavailable.
- No. Please call us back when you have your immigrant visa number.

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What is your USCIS Immigrant Fee receipt number?

Note to Representative:

ELIS customer: If the customer does not have his/her receipt number and will not be able to retrieve it later:
Tell the customer: Please visit https://egov.uscis.gov/cris/contactus and fill out the Electronic Immigration System Online Help Form requesting an update of your status. Please remember to include your full name, A-number, date of birth, and country of birth when completing the form. You can find your A-Number on your immigrant data summary, USCIS Immigrant Fee handout, or immigrant visa stamp.

If the customer does not currently have a receipt number available but will be able to retrieve it later, please ask them to call back once they have the receipt number.

If the customer or representative has a receipt number on-hand, check Case Status Online using the USCIS immigrant fee receipt number provided by the customer or representative. If available, provide customer with the USPS tracking number and delivery information from Case Status Online.

If the customer or representative has a receipt number on-hand but **Case Status Online** does not have automated information, provide the customer with the following statement found in this link. For customers who entered the U.S. with an immigrant visa: If it has been 60 days since the customer was admitted into the U.S. or 60 days since the customer paid the USCIS immigrant fee (whichever is later) transfer the call to Tier 2, UNLESS Tier 2 live assistance is unavailable.

Otherwise, note the status of the case that is provided in Case Status Online and select the appropriate category below:

- Permanent Resident Card order has not yet been sent to production.
- Permanent Resident Card order was sent to production more than 60 days ago but it has not yet been mailed.
- Permanent Resident Card was mailed but there is no indication that it was returned as undeliverable.
- Permanent Resident Card was returned as undeliverable but it has not yet been destroyed.
- Permanent Resident Card was returned as undeliverable and has been destroyed.

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If you or your client has recently paid the USCIS immigrant fee, it may take longer than normal to view your case information on the USCIS **Case Status Online** feature. There is no negative impact on the processing of your or your client's case if the case information is not available online. Until the information is made available online, you will not be able to track your case electronically on **Case Status Online**.

Please allow 30-45 days for the most current up to date status on your or your client's case to be made available electronically. If the information is not available within this time frame please return the call so that we may investigate the matter further.

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Note to Representative:

- If it has not been 60 days since either: (1) the customer was admitted into the U.S. or (2) the customer paid the USCIS immigrant fee (whichever is later), inform the customer to call back after that time has passed if the card still has not been received.

- If it has been 60 days since the customer was admitted into the U.S. or 60 days since the customer paid the USCIS immigrant fee (whichever is later) and the customer still have not received the I-551 (green card/permanent resident card), go to SRMT and take a "**Non-Delivery of Permanent Resident Card**" service request. Use the immigrant fee receipt number. Please notate in the comments block "**No Evidence Order Sent to Production**". Ensure the caller is within the "acceptable caller type" before taking a service request.
    - If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
        - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
    - If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

Note to Representative: If there is an issue with the address, draw attention to it in the comments block. Do not take a separate Change of Address service request.

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Note to Representative:

- If it has not been 60 days since either: (1) the customer was admitted into the U.S. or (2) the customer paid the USCIS immigrant fee (whichever is later), inform the customer to call back after that time has passed if the card still has not been received.

- If it has been 60 days since the customer was admitted into the U.S. or 60 days since the customer paid the USCIS immigrant fee (whichever is later) and the customer states that they have not received the I-551 (green card/permanent resident card), go to SRMT and take a "**Non-Delivery of Permanent Resident Card**" service request. Use the immigrant fee receipt number. Please notate in the comments block **"No Evidence PRC Mailed"**. Ensure the caller is within the "acceptable caller type" before taking a service request.
  - If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
  - If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

Note to Representative: If there is an issue with the address, draw attention to it in the comments block. Do not take a separate Change of Address service request.

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Note to Representative:

If **Case Status Online** indicates that the customer's permanent resident card was mailed and:

- If USPS Tracking Information shows delivered, tell the customer the following: You will need to file a Form I-90. Under "Reason for Application" if you are a 10-year permanent resident card holder check "2a," if you are a conditional resident check "3a." If you are unsure of your status, please check your passport. For conditional residents, the letter "C" will appear on the admission stamp followed by letters and/or numbers.

- If it has been more than 60 days and was never returned as undeliverable or USPS tracking information shows delivered: You will need to file a Form I-90. Under "Reason for Application" if you are a 10-year permanent resident card holder check "2a," if you are a conditional resident check "3a." If you are unsure of your status, please check your passport. For conditional residents, the letter "C" will appear on the admission stamp followed by letters and/or numbers.

- If it has been more than 60 days and the USPS tracking information shows anything other than delivered, go to SRMT to create a "**Non-Delivery of Permanent Resident Card**" service request. Ensure the caller is within the "acceptable caller type" before taking a service request.
  - If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created indicates it is a secondary or tertiary (third) request, override the default routing to send this service request to the Customer Assistance Office using office code CAO. Please be sure to capture the following information in the service request: A# or receipt number, daytime telephone number, and, if possible, an e-mail address.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
  - If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

- If it has been less than 60 days, and the USPS tracking shows anything other than delivered, provide customer with the USPS tracking number and delivery information from Case Status Online. Inform the customer to submit an e-request online at egov.uscis.gov/e-request or call back after 60 days if they have still not yet received their card. Remind the customer that if they submit an e-request, they should include their full name and A-number.

Note to Representative: If there is an issue with the address, draw attention to it in the comments block. Do not take a separate Change of Address service request.

Back to: Non-Delivery of PR Card Recently Became a Permanent Resident Approved/Denied or Revoked/New Permanent Resident Main Menu

Note to Representative:

If the permanent resident card was mailed and returned undeliverable but not yet destroyed, go to SRMT and take a "**Non-Delivery of Permanent Resident Card**" service request. Please notate in the comments block **"PRC Returned Undeliverable Not Destroyed"**. Use the customer's receipt number. Ensure the caller is within the "acceptable caller type" before taking a service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created indicates it is a secondary or tertiary (third) request, override the default routing to send this service request to the Customer Assistance Office using office code CAO. Please be sure to capture the following information in the service request: A# or receipt number, daytime telephone number, and, if possible, an e-mail address.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

Note to Representative: If there is an issue with the address, draw attention to it in the comments block. Do not take a separate Change of Address service request.

Back to: Non-Delivery of PR Card Recently Became a Permanent Resident Approved/Denied or Revoked/New Permanent Resident Main Menu

Note to Representative: If **Case Status Online** indicates that the customer's permanent resident card was mailed more than 60 days ago, and was returned as undeliverable and has been destroyed: You will need to file a Form I-90. Under "Reason for Application" Under "Reason for Application" if you are a 10-year permanent resident card holder check "2a," if you are a conditional resident check "3a." If you are unsure of your status, please check your passport. For conditional residents, the letter "C" will appear on the admission stamp followed by letters and/or numbers.

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Note to Representative: If the customer's application to renew or replace his/her permanent resident card was approved, please read: if you prefer to contact us online about the issues you are having with the delivery of the permanent resident card, you can visit us at elis.uscis.dhs.gov and click on the "Email Us for Help" link on the upper right hand side. You may submit your questions or concerns to us at any time of the day. We can also take information now to assist you during this call. Would you like to continue with this call? If Yes, continue below:

Check Case Status Online using the receipt number provided by the customer or representative. If available, provide customer with the USPS tracking number and delivery information from Case Status Online.

If **Case Status Online** does not have automated information, provide the customer with the following statement found in this link. Otherwise, note the status of the case that is provided in Case Status Online and select the appropriate category below:

- Permanent Resident Card order has not yet been sent to production.
- Permanent Resident Card order was sent to production more than 60 days ago but it has not yet been mailed.
- Permanent Resident Card was mailed but there is no indication that it was returned as undeliverable.
- Permanent Resident Card was returned as undeliverable but it has not yet been destroyed.
- Permanent Resident Card was returned as undeliverable and has been destroyed.

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Note to Representative:

If **Case Status Online** indicates that the customer's permanent resident card order has not yet been sent to production and:

- It has not yet been 60 days, inform the customer to submit a request online at egov.uscis.gov/e-request or call back after that time has passed if they have still not yet received their card.

- If it has been more than 60 days since the customer's case was approved, but the customer states that they have not received the I-551 (green card/permanent resident card), go to SRMT and take a "**Non-Delivery of Permanent Resident Card**" service request. Use customer's receipt number. Please notate in the comments block **"No Evidence Order Sent to Production"**. Ensure the caller is within the "acceptable caller type" before taking a service request. Use customer's receipt number.
    - If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
        - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
    - If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

Note to Representative: If there is an issue with the address, draw attention to it in the comments block. Do not take a separate Change of Address service request.

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Note to Representative:

If **Case Status Online** indicates that the customer's permanent resident card order was sent to production more than 60 days ago but it has not yet been mailed:

- Go to SRMT and take a "**Non-Delivery of Permanent Resident Card**" service request. Use customer's receipt number. Please notate in the comments block **"No Evidence PRC Mailed"**. Ensure the caller is within the "acceptable caller type" before taking a service request.
  - If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
  - If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

Note to Representative: If there is an issue with the address, draw attention to it in the comments block. Do not take a separate Change of Address service request.

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Note to Representative:

Forms I-751 and I-829 have receipt numbers but are not entered into Case Status Online because they are data entered in a separate system. For a non-delivery of a permanent resident card inquiry on either of these two forms, please transfer the call to Tier 2, UNLESS Tier 2 live assistance is unavailable.

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Did you or your client receive an appointment notice for biometrics?

- Yes
- No

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Has your mailing address changed since you/ your client was granted permanent residence status by an immigration judge?

- Yes
- No

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Have you already completed a Change of Address (CoA)?

- Yes
- No

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Has it been longer than 30 days since you submitted the Change of Address (CoA)?

- Yes
- No

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Please allow 30 days from the date you submitted your Change of Address (CoA) to receive notification from USCIS that the address on your case has been updated.

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Did you or your client attend their/your client's biometric appointment?

- Yes
- No

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Has it been 60 days since you or your client attended the biometrics appointment?

- Yes
- No

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Did you or your client attend all scheduled USCIS appointments and did you or your client comply with all USCIS instructions?

- Yes
- No

Back to: Non-Delivery of PR Card Recently Became a Permanent Resident Approved/Denied or Revoked/New Permanent Resident Main Menu

I can take your change of address request on your pending application, but you still have to complete a form AR-11 to abide by the legal requirement of notifying DHS of your address change. You can use our electronic change of address tool available on our website at www.uscis.gov or complete the paper Form AR-11, and mail it to USCIS according to the instructions on the form.

I will need to get some information about you and your case. I will send the information to the office where your case is located. That office will update your address on the case and will also send you a confirmation letter. You should expect to receive that confirmation within 30 days.

Note to Representative: Go to SRMT and take a "**Change of Address**" service request. Ensure the caller is within the "acceptable caller type" before taking a service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or the legal representative feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

Note to Representative: USCIS can now accept a change of address online for members of the U.S. Military and their families overseas if they have an APO or FPO mailing address. For all other individuals who moved to a foreign address, please advise the customer to contact the nearest U.S. Embassy or Consulate.

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Please wait 60 days from the date you or your client attended their biometric appointment to receive their permanent resident card. If you or your client has not received your or your client's card after 60 days of attending the appointment, please call us back.

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I will need to get some information about you and your case. I will send the information to the office where your case is located.

Note to Representative: Go to SRMT and take a "**Non-Delivery of Other Notice**" Service Request. Please notate in the comments block "**ASC Notice has not been delivered.**" Ensure that the caller is within the "acceptable caller type" before taking a service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28. \
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Note to Representative: transfer the call to Tier 2, UNLESS Tier 2 live assistance is unavailable.

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If you, or your client, have an appointment scheduled in the future, please be sure you/your client attend their scheduled appointment.

You or your client should bring a copy of the final order you received from the Immigration Judge or the BIA and documents establishing your or your client's identity (passport, driver's license, USCIS issued employment authorization document, etc.) to the scheduled appointment.

Failure to attend all scheduled USCIS appointments and/or comply with USCIS instructions can delay the processing of your case and could even result in a denial of your application or petition.

Note to Representative: If customer did not attend their appointment because they missed their appointment due to an emergency:
If you had an emergency that kept you from attending your appointment, you can check the "Request to Reschedule" block on the notice and mail the appointment notice to:

BPU Alexandria ASC, Suite 100
8850 Richmond Hwy
Alexandria, VA 22309-1586.

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You or your client must attend all scheduled USCIS appointments. You or your client must also comply with all USCIS instructions and submit all required documentation. Failure to attend all scheduled USCIS appointments and/or comply with USCIS instructions can delay the processing of your case and could even result in a denial of your application or petition.

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Chapter 1	Recently Became a Permanent Resident
Unit 4	Non-Delivery of Certificate of Citizenship (IR-3 Only) - (ONPT type of service request)

OVERVIEW

The Child Citizenship Act (CCA) provides U.S. citizenship to certain foreign-born children of U.S. citizens, including adopted children. An orphan adopted abroad by a U.S. citizen is given an IR-3 immigrant visa classification. Under the CCA, a child who enters the U.S. with an IR-3 classification automatically acquires U.S. citizenship upon entry, as long as all conditions are met. USCIS produces and issues Certificates of Citizenship for children who enter under the IR-3 classification. Certificates of Citizenship should be delivered within 45-days of the child's arrival.

Note to Representative: Ask the customer the following questions:

- Did the child enter the United States as an IR-3 on or after January 1, 2004?
- Is the child still waiting to receive his or her Certificate of Citizenship?
- Did the child enter the United States more than 45 days ago?

If the customer answers "**Yes**" to ALL of the questions, go to SRMT and take a Non-Delivery of Naturalization/Citizenship Certificate service request. Ensure the caller is within the "acceptable caller type" before taking a service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
  - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

If the answer is "**No**" to ANY of the questions, the case does not meet the definition of this type of service request. The customer will need to wait until ALL the above requirements are met to inquire about the status of the certificate of citizenship based on the IR-3. Tell the customer: Please call back when the adopted child has been in the United States for more than 45-days and if the Certificate of Citizenship has still not been received. If the child entered prior to January 1, 2004, you – the parent – will need to file a Form N-600 on behalf of the child to obtain a Certificate of Citizenship.

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Chapter 2 Approved Cases

What is the issue with your or your client's approved case?

Note to Representative: If the customer has an approved immigrant petition and wants information about inadmissibility and waivers, go to Volume 6.

Back to: Approved/Denied or Revoked/New Permanent Resident Main Menu

Chapter 2	Approved Cases
Unit 1	My or My Client's Address Changed After My or My Client's Case was Approved

OVERVIEW

Certain customers are legally obligated to inform USCIS when they move. Customers who are not U.S. citizens, who are 14-years of age or older, and who have moved, are required to submit a completed Form AR-11 within ten days of the move. Customers, whether or not U.S. citizens, who have submitted Form I-864, Affidavit of Support, on behalf of someone who has become a permanent resident and the Affidavit of Support is still in force, are required to complete Form I-865 within thirty days of the move.

Prompt – It appears your application or petition was approved but you want to change your address with us. Is that correct?
If yes, continue below
If no, go to "Where to Start"

Note to Representative: If the customer is calling to report a change of address and has filed one of the following forms, transfer the call to Tier 2, UNLESS Tier 2 live assistance is unavailable.

VAWA related Form 1-751;
VAWA related Form I-360 and related Forms I-485, I-765, or I-131;
T Nonimmigrant Forms I-914/I-914A and related Forms I-485, I-765, or I-131; **OR**
U Nonimmigrant Forms I-918/I-918A and related Forms I-485, I-765, I-131, or I-929.

If you are not a U.S. citizen, you are required to inform USCIS of your new address within ten days of moving. This is the case even if you have been approved for permanent residence. If your case has been approved and you have moved while waiting for delivery of your approval notice, welcome notice, or permanent resident card, I will need to check some information for you.

Note to Representative: Go to Case Status Online and check the customer's receipt number. Note the information and then proceed below:

Chose the category the status you obtained from Case Status Online falls into:

- No automated information in Case Status Online
- No notice or document sent yet
- Notice or document sent more than 30 days ago, was returned as undeliverable and has been destroyed
- Notice or document sent more than 30 days ago, was returned as undeliverable and case status online does NOT show it has been destroyed

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Note to Representative: If Case Status Online does not show that the notice/document has been sent yet, go to SRMT and create a Change of Address service request. Ensure the caller is within the "acceptable caller type" before taking a service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

More information about non-receipt of an approval notice

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Note to Representative: If Case Status Online shows that a notice/document **was sent more than 30 days ago, was returned as undeliverable and has been destroyed**, give the customer this message: you will be required to apply for a replacement document and, in most cases, submit a fee with that application for a replacement document.

More information about non-receipt of an approval notice

Back to: Address Change After Approval Approved Cases Approved/Denied or Revoked/New Permanent Resident Main Menu

Note to Representative: If Case Status Online shows that a notice/document **was sent more than 30 days ago, was returned as undeliverable and case status online does NOT yet show it has been destroyed** go to SRMT and take a Non-Delivery service request, indicating in the Comments block what specific notice or document is in the file at the office. Ensure the caller is within the "acceptable caller type" before taking a service request. If there is an issue with the address, draw attention to it in the comments block. Do not take a separate Change of Address service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

More information about non-receipt of an approval notice

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Chapter 2	Approved Cases
Unit 2	My or My Client's Approval Notice or Document has a Typographical Error

OVERVIEW

Typographical errors appear when incorrect information was initially provided by a customer or when data was incorrectly entered during case processing. Typographical errors are often simple – such as the transposition of a few letters – but they can also present greater problems, such as a document being sent to the wrong person. In some cases, such as when a typographical error appears on a naturalization certificate or permanent resident card, the customer may be required to submit another application to get the error resolved and be issued a new, corrected document.

Prompt – It appears your application or petition was approved but you have received a notice or document with errors on it. Is that correct?
If yes, continue below
If no, go to "Where to Start"

Section 1 Typographical error on a document

Section 2 Typographical error on an approval notice

Section 3 Notice or document received by wrong person

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Chapter 2	Approved Cases
Unit 2	My or My Client's Approval Notice or Document has a Typographical Error
Section 1	Typographical Error on a Document

What type of document did you or your client receive?

- I-765 (Employment Authorization Document)
- Refugee Travel Document, Re-Entry Permit or Advance Parole Document
- Combined Employment Authorization Document and Advanced Parole Document
- Naturalization Certificate or Certificate of Citizenship
- Form I-94

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Typographical Error on I-765 (Employment Authorization Document)

If you/your client received an Employment Authorization Card (EAD) with an error on it, you or your client will need to file:

- A new Form I-765;
- Any supporting documents; and
- The EAD that has the error(s).

You/your client can download Form I-765 from our website at www.uscis.gov. Please carefully follow the instructions to the form.

If the error was caused by USCIS, and if you/your client can document that the error was the fault of USCIS, you/your client may not have to pay the filing fee for Form I-765. When re-filing, please also submit a detailed explanation of the card error. The final decision concerning a fee waiver lies with the office taking the application.

If the error on the card was due to incorrect information you/your client provided or information you/your client failed to provide, or if you/your client cannot establish that the error was the fault of USCIS, you/your client will be required to pay the filing fee.

In most cases, your corrected card can be created from existing biometric data. If new biometric data is needed, you or your client will be mailed a notice scheduling you for an appointment to go to an Application Support Center (ASC) to have your/their fingerprint, photo and signature taken.

Do you believe the error was caused by USCIS or that you or your representative caused the error?

- Customer believes error was on the part of USCIS
- Customer believes error was on their part or their representatives part

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Typographical Error on Refugee Travel Document, Re-Entry Permit or Advance Parole Document

You or your client will need to file:

- A new Form I-131;
- Any supporting documents; and
- The original document that has the error(s).

You/your client can download Form I-131 from our website at www.uscis.gov. Please carefully follow the instructions to the form.

If the error was caused by USCIS, and if you or your client can document that the error was the fault of USCIS, you or your client may not have to pay the filing fee for Form I-131. When re-filing, please also submit a detailed explanation of the error. The final decision concerning a fee waiver lies with the office taking the application.

If the error on the card was due to incorrect information you/your client provided or information you/your client failed to provide, or if you/your client cannot establish that the error was the fault of USCIS, you/your client will be required to pay the filing fee.

In most cases, your corrected card can be created from existing biometric data. If new biometric data is needed, you or your client will be mailed a notice scheduling you for an appointment to go to an Application Support Center (ASC) to have your/their fingerprint, photo and signature taken.

Do you believe the error was caused by USCIS or that you or your representative caused the error?

- Customer believes error was on the part of USCIS
- Customer believes error was on their part or their representatives part

Back to: Typographical Error Approved Cases Approved/Denied or Revoked/New Permanent Resident Main Menu

Typographical Error on Combined Employment Authorization Document and Advanced Parole Document

You or your client will need to file:

- A new Form I-765 and Form I-131 concurrently;
- Any supporting documents; and
- The original Combo Card that has the error(s).

You/your client can download Form I-765 and Form I-131 from our website at www.uscis.gov. Please carefully follow the instructions to the forms.

If the error was caused by USCIS, and if you or your client can document that the error was the fault of USCIS, you or your client may not have to pay the filing fee for Form I-765 and Form I-131. When re-filing, please also submit a detailed explanation of the card error. The final decision concerning a fee waiver lies with the office taking the application.

If the error on the card was due to incorrect information you/your client provided or information you/your client failed to provide, or if you/your client cannot establish that the error was the fault of USCIS, you/your client will be required to pay the filing fees for the forms.

In most cases, your corrected card can be created from existing biometric data. If new biometric data is needed, you or your client will be mailed a notice scheduling you for an appointment to go to an Application Support Center (ASC) to have your/their fingerprint, photo and signature taken.

Do you believe the error was caused by USCIS or that you or your representative caused the error?

- Customer believes error was on the part of USCIS
- Customer believes error was on their part or their representatives part

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Typographical Error on Naturalization Certificate or Certificate of Citizenship

You or your client will need to file:

- A new Form N-565;
- Any supporting documents; and
- The original certificate that has the error(s).

You/your client can download Form I-N-565 from our website at www.uscis.gov. Please carefully follow the instructions to the form.

If the error was caused by USCIS, and if you or your client can document that the error was the fault of USCIS, you or your client may not have to pay the filing fee for Form N-565. When re-filing, please also submit a detailed explanation of the error. The final decision concerning a fee waiver lies with the office taking the application.

If the error on the card was due to incorrect information you/your client provided or information you/your client failed to provide, or if you/your client cannot establish that the error was the fault of USCIS, you/your client will be required to pay the filing fee.

In most cases, your corrected card can be created from existing biometric data. If new biometric data is needed, you or your client will be mailed a notice scheduling you for an appointment to go to an Application Support Center (ASC) to have your or your/their fingerprint, photo and signature taken.

Do you believe the error was caused by USCIS or that you or your representative caused the error?

- Customer believes error was on the part of USCIS
- Customer believes error was on their part or their representatives part

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Typographical Error on a Form I-94

Was your I-94 issued by CBP or USCIS?

- Issued by CBP (paper or electronic)
- Issued by USCIS as a result of a grant of an extension of stay or a change of status

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Do you believe the error was caused by USCIS or that you or your representative caused the error?

- Customer believes error was on the part of USCIS
- Customer believes error was on their part or their representatives part

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If your I-94 was issued when you entered the U.S. - If you believe you should have received an I-94 when you entered the U.S., or if there are errors on the I-94 that was issued by U.S. Customs and Border Protection (CBP) when you entered the U.S., you will need to contact CBP, the Deferred Inspection Office closest to your location.

- Customers can directly check the CBP website at **www.cbp.gov** or call them at **1-877-CBP-5511 (1-877-227-5511)** Monday through Friday between 8:30 AM and 5:00 PM, Eastern Time. You may bring the incorrect Form I-94 and documentation (passport and visa) to any CBP Port of Entry or Deferred Inspection Office. You may also call to make an appointment.

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You or your client will be required to file a new application with fee to correct the typographical error caused by you or your client.

Note to Representative: If the customer asks what form they need to file to replace their incorrect document, tell them from the list below based on the type of document they need corrected:

Employment Authorization Document	Form I-765
Re-Entry Permit / Refugee Travel Document / Advance Parole	Form I-131
Combined Employment Authorization Document and Advance Parole	Form I-765 and Form I-131
Naturalization Certificate / Certificate of Citizenship	Form N-565
I-94 issued as part of a grant for extension of stay or change of status	Form I-102

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Do you believe this error is going to cause a negative impact on your/their ability to work or travel?

- YES
- NO

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Note to Representative: If the customer indicates an issue that appears may have a negative effect to his/her work or ability to travel and return to the U.S, go to SRMT and take an "**expedite**" service request. When completing a service request, include the expedite criteria the customer thinks they qualify under, in the "comments field." Ensure the caller is within the "acceptable caller type" before taking a service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
  - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Is the typographical error part of the customer's address?

- YES
- NO

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Note to Representative: If the situation does **not** appear to be an emergency, go to SRMT and take a "**typographical error**" service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
  - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Note to Representative: Go to SRMT and take a "Change of Address" service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Chapter 2	Approved Cases
Unit 3	My or My Client's Case was Approved, but We Have Not Received an Approval Notice or Document

OVERVIEW

Many times, the delivery of an approval notice or document may fail due to the customer having moved between the time of the approval and the time of the attempted delivery. In some instances, the customer's name does not appear on the mail box or post office box listed on the application and, as a result, in many locations, the U.S. Postal Service will not deliver official government mail unless the customer's name is specifically located on the mail box or P.O. Box. As a result, the notice or document may be returned to the Service Center as undeliverable. Other times, documents, or notices are simply lost in the attempt to deliver them. Documents in this situation are treated as lost documents and the customer, in most cases, will have to file a new application to request a replacement document.

Prompt – It appears your case was approved but you have not received the notice or document we have sent to you. Is that correct?
If yes, continue below
If no, go to "Where to Start"

Are you calling about an approval notice that you have not received or a document/card that you have not received?

Section 1 Non-Delivery of an Approval Notice

Section 2 Non-Delivery of a Document

Back to: Approved Cases Approved/Denied or Revoked/New Permanent Resident Main Menu

Chapter 2	Approved Cases
Unit 3	My or My Client's Case was Approved, but We Have Not Received an Approval Notice or Document
Section 1	Non-Delivery of an Approval Notice
Prompt – It appears your case was approved but you have not received the approval notice we should have sent to you. Is that correct? If yes, continue below If no, go to "Where to Start"	

Note to Representative: Check Case Status Online using the receipt number provided by the customer or representative. If the customer or representative has a receipt number on-hand but **Case Status Online** does not have automated information, provide the customer with the following statement found in this link.

According to case status online has it been more than thirty days since the approval notice was mailed?

- YES
- NO

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Note to Representative: If Case Status Online indicates that an approval notice was mailed to the customer more than 30 days ago and the customer did not receive it, determine if the customer has moved since the last time he/she received a notice from us.

- If the customer has NOT moved, tell the customer: You will need to complete a Form I-824 to apply for a duplicate approval notice.
- If the customer has moved:
  - And the non-delivery of the approval notice is for a DACA Form I-821D or DACA related I-765 and the client has a IOE receipt;
  - For all other Forms go to SRMT and take a "**Non-Delivery of Approval Notice**" service request. Ensure the caller is within the "acceptable caller type" before taking a service request. If there is an issue with the address, draw attention to it in the comments block. Do not take a separate Change of Address service request.
    - If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
      - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
    - If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

If the customer states that he/she lost the approval notice or the notice has been damaged or stolen, tell the customer: You will need to complete a Form I-824 to apply for a duplicate approval notice.

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Note to Representative: If Case Status Online shows that an approval notice was mailed to the customer less than 30 days ago, determine if the customer has moved since the last time he/she received a notice from us.

- If the customer has NOT moved, tell the customer: you or your client will need to wait and call back after 30 days have passed if you or your client does not receive your or your client's notice.
- If the customer has moved:
  - And the non-delivery of the approval notice is for a DACA Form I-821D or DACA related I-765 and the client has a IOE receipt.
  - For all other Forms go to SRMT and take a "**Non-Delivery of Approval Notice**" service request. Ensure the caller is within the "acceptable caller type" before taking a service request. If there is an issue with the address, draw attention to it in the comments block. Do not take a separate Change of Address service request.
    - If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
      - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
    - If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

If the customer states that he/she lost the approval notice or the notice has been damaged or stolen, tell the customer: You or your client will need to complete a Form I-824 to apply for a duplicate approval notice.

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If you filed a DACA Form I-821D or DACA related Form I-765 and you created an ELIS account, you can log into your ELIS account to access the notice you are calling about.

If you did not create an ELIS account, please visit https://egov.uscis.gov/cris/contactus and fill out the Electronic Immigration System Online Help Form requesting delivery of the notice you are calling about. Please remember to include your full name, A-number, date of birth, and country of birth when completing the Form. You can find your A-Number on your immigrant data summary, USCIS Immigrant Fee handout, or immigrant visa stamp.

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Chapter 2	Approved Cases
Unit 3	My or My Client's Case was Approved, but We Have Not Received an Approval Notice or Document
Section 2	Non-Delivery of a Document
Prompt – It appears your case was approved but you have not received the document we should have sent to you. Is that correct? If yes, continue below If no, go to "Where to Start"	

Note to Representative: Check Case Status Online using the receipt number provided by the customer or representative. If the customer or representative has a receipt number on-hand but **Case Status Online** does not have automated information, provide the customer with the following statement found in this link. Otherwise, note the status of the case that is provided in Case Status Online.

If the customer is calling about an Employment Authorization Card, please allow for 60 days instead of the 30 days mentioned below and in the following SRMT instructions.

If Case Status Online indicates:

- The case was approved but a document has NOT yet been sent to production.
- A document was sent to production more than 30 days ago but it has not yet been mailed.
- A document was mailed but there is no indication that it was returned as undeliverable.
- A document was returned as undeliverable but it has not yet been destroyed.
- A document was returned as undeliverable and has been destroyed.

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Chapter 2	Approved Cases
Unit 3	My or My Client's Case was Approved, but We Have Not Received an Approval Notice or Document
Section 2	Non-Delivery of a Document

Note to Representative: Go to SRMT and take a "**Non-Delivery of Document**" service request. If the Non-Delivery of Document service request is based on the approval of a Form I-131 it will be necessary to determine if the applicant was filing for Reentry Permit, Refugee Travel Document, or Advance Parole Document to take the correct type of service request. Ensure the caller is within the "acceptable caller type" before taking a service request. If there is an issue with the address, draw attention to it in the comments block. Do not take a separate Change of Address service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
  - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Chapter 2	Approved Cases
Unit 3	My or My Client's Case was Approved, but We Have Not Received an Approval Notice or Document
Section 2	Non-Delivery of a Document

Note to Representative: **What approved type of document has you or your client not received?**

- Employment Authorization Card
- Re-Entry Travel Document
- Refugee Travel Document
- Combo Card (advance parole and employment card)
- I-94 Arrival Departure Document
- Naturalization Certificate
- Certificate of Citizenship

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Note to Representative: Check Case Status Online using the receipt number provided by the customer or representative. Note the status of the case and the form number filed that is shown in Case Status Online.

If **Case Status Online** indicates that the customer's document (employment card, re-entry travel document, refugee travel document and /or combo cards: advance parole and employment card) was mailed, you should also look up the USPS tracking number assigned to the receipt number upon mailing of the document.

Ask the customer or representative this question: Were you or your client previously provided the USPS tracking number for this document?

- Yes, if the customer or representative states they have already looked up the tracking number information on the USPS web site and have issues with the response provided, transfer to Tier 2, UNLESS Tier 2 live assistance is unavailable.
- No, provide the USPS tracking number and delivery information from Case Status Online.

If **Case Status Online** indicates that the customer's document (employment card, re-entry travel document, Refugee travel document and /or combo cards: advance parole and employment card) was mailed more than 30 days ago and the USPS tracking information shows anything other than delivered:

- For DACA related EADs with an IOE receipt
- For all other documents go to SRMT to create a Non-Delivery of Document service request. Ensure the caller is within the "acceptable caller type" before taking a service request.
  - If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
  - If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

If **Case Status Online** indicates that the customer's document, was produced and mailed less than 30 days ago, and the USPS tracking shows anything other than delivered, provide the USPS tracking number and delivery information from Case Status Online.

Note to Representative: For non-delivery of permanent resident card we mailed please go to Chapter1 Unit 3

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Note to Representative: Go to SRMT and take a "**Non-Delivery of Document**" service request. Ensure the caller is within the "acceptable caller type" before taking a service request.

- **Please override the default routing as follows:**
  - If the applicant previously filed a VAWA application: **send this service request to the Vermont Service Center using office code VSC.** Once you create the service request, read the following: I am routing this service request to the Vermont Service Center so they can assist you in the resolution of your inquiry.
  - If the applicant did **not** file Form I-765 concurrently with Form I-821D (Request for DACA): **send this service request to the Texas Service Center using office code TSC.** Once you create the service request, read the following: I am routing this service request to the Texas Service Center so they can assist you in the resolution of your inquiry.
  - If Form I-765 was filed concurrently with an initial request for DACA: **send this service request to the California Service Center using office code CSC.** Once you create the service request, read the following: I am routing this service request to the California Service Center so they can assist you in the resolution of your inquiry.
  - If Form I-765 was filed concurrently with a renewal request for DACA: **send this service request to the Nebraska Service Center using office code NSC.** Once you create the service request, read the following: I am routing this service request to the Nebraska Service Center so they can assist you in the resolution of your inquiry.
- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Note to Representative: Follow the below instructions for customer's inquiring about these document-types:

- **I-94, Arrival Departure Document:** Tell the customer: You or your client will need to file Form I-102, with filing fee, to obtain a duplicate. However, if you entered the U.S. after the automation of Form I-94 (April 30, 2013), you can access your I-94 from the CBP webpage: www.cbp.gov/I94.
- **Naturalization Certificate/Certificate of Citizenship:** Tell the customer: You or your client will need to file Form N-565, with the filing fee, to receive a duplicate certificate.

Note to Representative: For non-delivery of permanent resident card we mailed please go to Chapter1 Unit 3

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Chapter 2	Approved Cases
Unit 3	You Have not Received an Approval Notice and/or Document but Our System Indicates Your Case was Approved
Section 2	Non-Delivery of a Document

Note to Representative: Go to SRMT and take a "**Non-Delivery of Document**" service request. Ensure the caller is within the "acceptable caller type" before taking a service request. If there is an issue with the address, draw attention to it in the comments block. Do not take a separate Change of Address service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
  - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Note to Representative: If **Case Status Online** indicates that the customer's document was mailed more than 60 days ago, and was returned as undeliverable and has been destroyed: You will need to file a Form I-765 for another Employment Authorization Document.

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Chapter 2	Approved Cases
Unit 5	I Have a Question About My or My Client's Approved I-129

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Chapter 2	Approved Cases
Unit 5	I have questions about an approved I-129
Section 1	I-129 Approved more than one week ago but Consulate or POE has not been notified

OVERVIEW

Once an I-129 is approved, the consulate where the beneficiary will apply for the visa or, in the case of Canadian citizens, the POE where he/she will apply for entry into the U.S., is usually notified within one week. If the consulate or POE has not been notified, we will take a service request to the Service Center that approved the case.

Prompt – It appears your I-129 petition was approved more than one week ago but the Consulate or Port of Entry has not been notified of the approval. Is that correct?
If yes, continue below
If no, go to "Where to Start"

Was the I-129 approved more than 7-days ago?

Note to Representative: If the answer to the above question is YES, and the customer or representative claims that the consulate or POE has NOT been notified, go to SRMT and take an "**I-129 Change Info**" service request for the Service Center that approved the case. Ensure the caller is within the "acceptable caller type" before taking a service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
  - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

If the answer to the above question is NO, then tell the customer to wait at least seven days after the approval of the I-129.

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Chapter 2	Approved Cases
Unit 5	I have questions about an approved I-129
Section 2	Notify New Consulate after approval of I-129

OVERVIEW

If an I-129 petitioner wants us to notify a different consulate than the one listed on the approved I-129, he/she must file an I-824 in order to do so.

If you or your client have an approved I-129 or I-129F but need to notify a new U.S. consulate through the U.S. Department of State's National Visa Center (NVC) or Kentucky Consular Center (KCC) concerning the approval of a nonimmigrant visa petition or to notify a new port of entry concerning a waiver application, you or your client may file Form I-824 during the validity period of the approved petition. Please carefully read and follow the instructions on the form prior to completing and submitting it. You can download the form from our Web site at www.uscis.gov.

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Chapter 2	Approved Cases
Unit 6	I Have a Question About the Expiration of the Validity of My or My Client's Approved I-129F

A Form I-129F petition is valid for four months from the date of approval by USCIS. A U.S. Department of State Consular Officer may extend the validity period of the petition if:

- the petition expires before visa processing is completed; and
- the consular officer finds that the petitioner and the K-1 beneficiary are legally free to marry and intend to marry each other within 90 days of the beneficiary's entry into the U.S.

The normal processing of an approved Form I-129F petition is as follows:

- USCIS sends an approved petition to the National Visa Center (NVC);
- The NVC sends the approved petition to the U.S. Embassy or Consulate that serves the country where the K-1 beneficiary resides;
- The U.S. Embassy or Consulate contacts the beneficiary to provide instructions on applying for a K-1 visa.

A U.S. citizen should have his/her fiancé(e) contact the U.S. Embassy or Consulate to request an extension of an expired K-1 petition. If the U.S. citizen or his/her fiancé(e) feels there were circumstances that contributed to the validity of the petition expiring before visa processing is complete, that information should be provided to the U.S. Embassy or Consulate. For further information about K-1 visas, please visit the Department of State's Webpage: Nonimmigrant Visa for a Fiance(e) (K-1)

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Chapter 2	Approved Cases
Unit 7	Upgrade of an Approved I-130 Petition when a petitioner Naturalizes and other NVC questions

OVERVIEW

Sometimes permanent residents become naturalized citizens shortly after filing an I-130 for a family member. The naturalization of the petitioner automatically changes the visa category under which the beneficiary of the I-130 is eligible. In many cases, this change may allow a spouse or child beneficiary to immediately file for permanent resident status or an immigrant visa, when they would have previously had to wait much longer.

Prompt – It appears you would like to inform us that you are now a U.S. Citizen and want to upgrade your I-130 petition or that you would like to have an original document you submitted with your case returned to you. Is that correct?
If yes, continue below
If no, go to "Where to Start"

I-130 Petition Upgrades (NVC Information)

- What is the National Visa Center's (NVC) address?
- How can I contact the NVC (such as notifying the NVC of an I-130 upgrade)?
- I received the NVC notice indicating that the packet to apply for an immigrant visa is being prepared. What do I do?
- What if, as time passes, things change in terms of whether my spouse will adjust status in the U.S. or apply for an immigrant visa overseas?
- Is the NVC open to the public?
- Can I request that the NVC review a case in which an immigrant visa was denied or revoked?
- My case was sent Back to USCIS by the Department of State. What should I do?

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I received the NVC notice indicating that the packet to apply for an immigrant visa is being prepared. What do I do?

The filing procedures and packet contents sent by the National Visa Center will vary depending on the kind of immigrant visa being issued and on the embassy or consulate that will handle final processing. The best thing you can do is to carefully follow the instructions that you have been provided within the packet and to complete any required forms.

What if, as time passes, things change in terms of whether my spouse will adjust status in the U.S. or apply for an immigrant visa overseas?

If the petition is with USCIS, you can file an Application for Action on an Approved Application or Petition (Form I-824) to have the petition transferred to the National Visa Center. This is important so that the National Visa Center can process the case and notify your spouse when he/she can apply for an immigrant visa. If the petition is with the National Visa Center and your spouse is in the U.S. when the priority date becomes available, you do not need to separately request that the approved petition be transferred Back to:: USCIS if the person chooses to apply for adjustment of status. USCIS will request it back from the National Visa Center once the adjustment of status application is received.

What is the National Visa Center's (NVC) address?

The address is:

National Visa Center
Attn: WC
31 Rochester Avenue, Suite 200
Portsmouth, NH 03801-2915

You can visit the Department of State's website to find additional contact information and instructions for sending an inquiry to the NVC.

Is the NVC open to the public?

No, the NVC is not open to the public.

How can I contact the NVC (such as notifying the NVC of an I-130 upgrade)?

There is no need to contact the NVC, unless there is a change or correction to a notice of action, a change of address or a change in personal situation, which may affect the beneficiary's entitlement to an immigrant visa.

Send all changes of address, requests to upgrade a petition and any other correspondence to the address listed above for the National Visa Center.

In your letter always include identifying information about the petition, including the name of the person and date of birth of the petitioner and the person the petition is for, any USCIS account or receipt numbers, and the NVC case number. If you are writing a letter to upgrade a petition also include a copy of your naturalization certificate.

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Can I request that the NVC review a case in which an immigrant visa was denied or revoked?

The NVC handles preliminary processing for immigrant visas. The NVC cannot review any decision by an embassy or consulate either granting or denying a visa.

My case was sent Back to USCIS by the Department of State. What Should I do?

The Department of State has requested that USCIS review your case. Once that review is complete, you will not receive a new approval notice. However, you will receive notification of the status of your case and the status will be updated in our case status online tool. Please allow at a minimum of 180 days from the date case status online indicates USCIS received your case back from the State Department to inquire further.

Note to Representative: If it has already been more than 180 days and there is no indication in Case Status Online that an additional action has taken place since the case was received by USCIS from the State Department, go to SRMT and take an ONPT type of service request and note in the comments section: "Case received from State Dept. more than 180 days ago. Customer requests update". Ensure the caller is within the "acceptable caller type" before taking a service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
  - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Chapter 2	Approved Cases
Unit 8	I Have a Question About How the Child Status Protection Act Might Impact My or My Client's Preference Category

Child Status Protection Act FAQs in Relation to Petition Upgrades

Unmarried sons and daughters of U.S. citizens

- What advantage(s) does the Child Status Protection Act (CSPA) provide to eligible unmarried sons and daughters of U.S. citizens?
- What are the requirements to qualify for the Child Status Protection Act?

Unmarried sons and daughters of permanent residents who later become U.S. citizens

- What is the benefit of the Child Status Protection Act for unmarried sons and daughters of permanent residents who later become U.S. citizens?
- Can a beneficiary in K4 Status utilize the CSPA?
- Is a child in a K2 status covered by CSPA?
- I applied for permanent residence, but my case was denied because I was considered aged out. Does CSPA allow me to file a motion?
- Must the date the visa becomes available be based on a separate petition filed on behalf of the child?
- How does USCIS determine the age of the unmarried son or daughter of a permanent resident for the purposes of the Child Status Protection Act?
- What is the time limit on the filing period for an immigrant visa for the unmarried son or daughter of a permanent resident before losing this benefit?

Other Child Status Protection Act-related questions

- Are derivatives of employment-based and diversity immigrants' eligible for benefits under the Child Status Protection Act?
- How were unmarried sons or daughters of United States citizens, permanent residents of the United States, asylees, and refugees previously treated once they turned 21?

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What advantage(s) does the Child Status Protection Act (CSPA) provide to eligible unmarried sons and daughters of U.S. citizens?

The Child Status Protection Act protects the immediate relative status of unmarried sons and daughters of U.S. citizens when they reach age 21. The CSPA protects the beneficiary whether he/she reaches the age of 21:

- before or after the enactment date of the Child Status Protection Act, or
- when the petition was filed, or
- if beneficiary filed Form I-485 to Adjust Status, but USCIS did not make a final decision on the application prior to August 6, 2002.

What are the requirements to qualify for the Child Status Protection Act?

In order to qualify under the CSPA, the U.S. citizen petitioner must:

- Be a U.S. citizen prior to the child's 21st birthday, *and*
- Have filed an immigrant petition on behalf of the son or daughter before the son or daughter turned 21.

In addition, the son or daughter must:

- Have been under 21 at the time the immigrant visa petition was filed,
- Have met the definition of a child at the time the immigrant visa petition was filed, and
- Remain unmarried throughout the immigrant visa process.

What is the benefit of the Child Status Protection Act for unmarried sons and daughters of permanent residents who later become U.S. citizens?

When a permanent resident becomes a U.S. citizen after an unmarried son and/or daughter turns 21 years of age, the son and/or daughter's visa category automatically converts from second preference to first preference. If the son and/or daughter elect to remain in the second preference category because the first preference category would take longer to become available, he /she needs to submit a written request to the appropriate USCIS Service Center if he or she will be adjusting status in the U.S. If he/she will be applying for an immigrant visa abroad, then the written request needs to be submitted to the National Visa Center.

Can a beneficiary in K4 Status utilize the CSPA?

A beneficiary in K4 status may utilize the CSPA upon seeking adjustment of status as an immediate relative on the basis of an approved Form I-130. The U.S citizen petitioner who filed the nonimmigrant visa petition on behalf of the K3 parent must file a Form I-130 on behalf of the K4 beneficiary and it requires the existence of a parent-child relationship between the U.S. Citizen and the K4 beneficiary.

Is a child in a K2 status covered by CSPA?

There is limited CSPA coverage for K2 beneficiaries. A child in K2 status does not have an immigrant visa petition filed on his or her behalf.
USCIS may accept a Form I-130 filed by the USC petitioner based on a parent-child relationship where the USC petitioner has married the K1 and K2 is not yet 18 years old.

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I applied for permanent residence, but my case was denied because I was considered aged out. Does CSPA allow me to file a motion?

CSPA covers preference beneficiaries who did not have an application for permanent residence pending on August 6, 2002 and who filed an application for permanent residence and were denied solely because he / she aged out. A beneficiary that has an approved immigrant visa petition prior to August 6, 2002 and who filed an application for adjustment of status after August 6, 2002 may file a motion to reopen or reconsider without the filing fee if:

- The beneficiary would have been considered under the age of 21 under applicable CSPA rules;
- The beneficiary applied for permanent residence within one year of visa availability; and
- The beneficiary received a denial notice solely because he or she aged out.

Must the date the visa becomes available be based on a separate petition filed on behalf of the child?

No, the date an immigrant visa becomes available to a child may be based upon a separate petition or the date an immigrant visa became available to a parent on whose petition the child is included.

How does USCIS determine the age of the unmarried son or daughter of a permanent resident for the purposes of the Child Status Protection Act?

The age of the son or daughter is determined when the date of immigrant visa availability is reduced by the amount of time the visa petition (I-130) was pending with USCIS. This is especially important for those sons or daughters who are older than 21.

Here is an example:

> John's parent is a permanent resident. His parent filed an I-130 immigrant visa petition on John's behalf when John was 14 years and 10 months old. The immigrant visa petition was pending at the USCIS office for 14 months. The visa petition was approved and has been awaiting visa availability at the State Department for the last 6 years. John turned 22 today. The visa is available today.

Under the new law John's age at the time of visa availability (22) is reduced by the period of time the visa petition was pending with USCIS (14 months). Therefore 22 years minus 14 months equals 20 years and 10 months old. John is still considered a child of a permanent resident for the purposes of visa issuance and preference category. However, John must file for the immigrant visa within one year, or he will be placed in the visa category of an unmarried son or daughter of a permanent resident.

What is the time limit on the filing period for an immigrant visa for the unmarried son or daughter of a permanent resident before losing this benefit?

The unmarried son or daughter of a permanent resident must file for the immigrant visa within one year of visa availability, or he/she will be placed in the preference category of an unmarried son or daughter of a permanent resident.

Are derivatives of employment-based and diversity immigrants' eligible for benefits under the Child Status Protection Act?

Note to Representative: Transfer call to Tier 2, UNLESS Tier 2 live assistance is unavailable.

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How were unmarried sons or daughters of United States citizens, permanent residents of the United States, asylees, and refugees previously treated once they turned 21?

Historically, immigration law has made a significant distinction between an unmarried child who is under age 21 and an unmarried child who turns 21 years old for purposes of visa issuance and other eligibility determinations. Under immigration law, a child who is unmarried and under age 21 is in a category that makes him or her eligible for a higher consideration for visa availability. Previously, a child who reached age 21 was no longer in the category of a child. The visa eligibility category changed to that of an unmarried son or daughter and the availability of an immigrant visa was reduced. This reduction in availability caused the son or daughter to wait a longer period of time to be eligible to receive a visa simply because he or she turned 21 years old. The Child Status Protection Act was enacted to prevent this from happening and to continue to keep families united.

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Chapter 2	Approved Cases
Unit 9	I Have a Question About My or My Client's Approved Orphan Petition

The National Benefits Center processes and adjudicates Orphan and Hague Adoption Petitions. If you have an approved Form I-600/I-800 or Form I-600A/I-800A and you have an emergency, please send an e-mail to:

NBC.adoptions@uscis.dhs.gov (for non-Hague Orphan adoptions, Forms I-600 and I-600A)

NBC.Hague@uscis.dhs.gov (for Hague Convention adoptions, Forms I-800 and I-800A)

The adoption officer will respond to your inquiry within 2 business days.

When sending an e-mail to this address, please provide the:

- petitioner's name;
- petitioner's date of birth;
- petitioner's country of birth;
- receipt number of the Form I-600 or I-600A (if any);
- alien registration number (A-number) associated with the case (if any); and
- name of the child to be adopted (if known).

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Chapter 2	Approved Cases
Unit 10	I Have a Question About My or My Client's Approved Petition by Entrepreneur to Remove Conditions on Permanent Resident Status

Approval notices for I-829 petitions used to be issued with a gold foil attached that was then embossed with a raised seal. This process has been discontinued. All I-829 approval notices are now issued without the foil or the raised seal. Both formats are valid based on when they were issued.

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Chapter 2	Approved Cases
Unit 11	I Have a Question About My or My Client's Approved N-400

- I went to my interview and the officer told me my application would be approved. When will I become a U.S. citizen?
- What should I do if I cannot go to my scheduled oath ceremony?
- Do I need to update my Social Security Account after I naturalize?

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I went to my interview and the officer told me my application would be approved. When will I become a citizen?

You will become a citizen as soon as you take the Oath of Allegiance to the United States and receive your naturalization certificate. USCIS will notify you of the ceremony date with a "Notice of Naturalization Oath Ceremony" (Form N-445).

At the end of your interview the Officer may have stated he/she was recommending your N-400 application for approval. Please keep in mind that the officer cannot guarantee approval of your application due to other additional steps and reviews that must be completed. USCIS has 120 days to complete the processing of your application after the interview. If it has been more than 90 days since you had your interview, we can take some information from you and notify the appropriate office for a status about the decision on your application.

Note to Representative: Every applicant who is interviewed by a USCIS officer receives Form N-652. The Form explains that the decision will take up 120 days. If a decision is rendered the same day of the interview, most offices schedule their applicants for the same day oath ceremony. However, if at the end of an interview an applicant is not scheduled for the oath ceremony, he/she needs to check the status of his/her case and Oath ceremony schedule with their respective local office, because the waiting period for the Oath ceremony may vary from one office to another.

If it has been less than 90 days since the date of the interview, inform the customer that he/she must wait at least 90 days from the date of the interview before making any further inquiries.

If the customer indicates he/she went to the interview and was told by the interviewing officer that he/she was approved or recommended for approval and it has been MORE THAN 90 days since the interview, check the current processing time for the form type here. If the case appears to be outside normal processing time go to SRMT and take an ONPT service request. Note in the comments block:

> [*Post-interview naturalization seeking status of case. Applicant was interviewed on _____. The record reflects that it is more than 90 days since applicant was interviewed. Can you please check the status of this case and inform the applicant? Thank you.*]

Ensure the caller is within the "acceptable caller type" before taking a service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
  - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

What should I do if I cannot go to my oath ceremony or I moved to a new address after being scheduled for a ceremony?

If you or your client cannot go to the oath ceremony, or if your client moved to a new address, after being scheduled for a ceremony, you or your client should return the "Notice of Naturalization Oath Ceremony" (Form N-445) that USCIS sent to you or your client. You or your client should send the N-445 Back to:: your local office. Include a letter saying why you or your client cannot go to the ceremony, including any change of address, if applicable. Make a copy of the notice and your or your client's letter before you or your client sends them to USCIS. Your local office will reschedule you and send you or your client a new "Notice of Naturalization Oath Ceremony" (Form N-445) to tell you or your client when and where you or your client's ceremony will be.

Do I Need to Update My Social Security Account When I Naturalize?

Yes. We strongly recommend that you visit a Social Security Administration Field Office (SSAFO) with your original naturalization certificate soon after you naturalize.

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Chapter 2	Approved Cases
Unit 12	I Have a Question About the Return of My or My Client's Approved Petition by the Department of State

The Department of State has requested that USCIS review your case. Once that review is complete, you will not receive a new approval notice. However, you will receive notification of the status of your case and the status will be updated in our case status online tool. Please allow at a minimum of 180 days from the date case status online indicates USCIS received your case back from the State Department to inquire further.

Note to Representative: If it has already been more than 180 days and there is no indication in Case Status Online that an additional action has taken place since the case was received by USCIS from the State Department, go to SRMT and take an ONPT type of service request and note in the comments section: "Case received from State Dept. more than 180 days ago. Customer requests update". Ensure the caller is within the "acceptable caller type" before taking a service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
  - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Chapter 2	Approved Cases
Unit 13	I Have a Question About the Return of My or My Client's Original Documents

To request the return of original document(s) *after a decision is made on your case* you should file a Form G-884. Please follow the instructions to the form. Form G-884 is available on our Web site at www.uscis.gov.

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Chapter 2	Approved Cases
Unit 14	I Would Like to Submit a Request to Withdraw My or My Client's Approved Petition

Note to Representative: Please clarify what form the customer wants to withdraw.

A request to withdraw a petition can be submitted by the petitioner at any time until a decision is issued by USCIS, or in the case of an approved petition, until the beneficiary is admitted into the U.S., or granted adjustment or change of status, based on the petition. Once submitted and accepted, a withdrawal request may not be retracted; however, the petitioner may re-file another petition if he or she chooses to do so.

Withdrawal requests should include:

- A statement indicating that the petitioner wishes to withdraw the petition;
- The petition receipt number;
- The name, address and phone number of the petitioner;
- The name of the alien beneficiary;
- The alien registration number of the alien beneficiary, if known;
- The petitioner's signature or the Form G-28 representative.

FILING FAMILY-BASED PETITION WITHDRAWALS

To request a withdrawal of a family-based petition, the petitioner must file a written notice of withdrawal with any adjudicating officer of the USCIS who is authorized to grant or deny petitions.

FILING EMPLOYMENT-BASED PETITION WITHDRAWALS

If the Submission is...	For a...	Then the Submission should be Mailed to...
A Form I-140 Withdrawal Request	Form I-140 Petition that is pending or was approved at the Texas Service Center	USCIS Texas Service Center PO Box 851745 Mesquite, TX 75185
	Form I-140 Petition that was approved at the Vermont Service Center	
A Form I-140 Withdrawal Request	Form I-140 Petition that is pending or was approved at the Nebraska Service Center	USCIS Nebraska Service Center P.O. Box 82521 Lincoln, NE 68501-2521
	Form I-140 Petition that was approved at the California Service Center	

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Chapter 3 Denied, Revoked, Rejected, or Administratively Closed Cases

Prompt – It appears your application or petition was denied, revoked, rejected, or administratively closed but you have some additional questions. Is that correct?
If yes, continue below
If no, go to "Where to Start"

When an unfavorable decision is made, you will receive a denial or other notice explaining why the decision in your case was unfavorable and explaining whether or not you can file an appeal. You may, with certain exceptions, file motions to reopen or reconsider decisions made in your case.

What information or benefit are you seeking?

- I believe USCIS made an administrative error in denying or issuing an adverse decision on my case, how do I know if I qualify for expedited case review?
- FAQs concerning Rejections and Dishonored Payments
- FAQs concerning Denials and Administrative Errors
- FAQs concerning Appeals and Motions
- FAQs concerning the Tsamcho Settlement Agreement (I-730 Petition denied or administratively closed because the Beneficiary failed to appear for the scheduled interview at the U.S. Embassy or Consulate abroad)
- My Form I-130, or other petition or application, was previously denied solely because of DOMA. What should I do?

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Does your or your client's denial notice indicate you or your client failed to respond to a Request for Evidence (RFE), Notice of Intent to Deny (NOID), or Notice of Intent to Revoke (NOIR)?

- Yes
- No

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Did you or your representative receive a Request for Evidence (RFE), Notice of Intent to Deny (NOID), or Notice of Intent to Revoke (NOIR)?

- Yes
- No

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Did you or your representative send a timely response to our inquiry?

- Yes
- No

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Note to Representative: Please use the answers to the two questions below to complete the "comments field" in the service request.

When did you submit your response?
Do you have documentation that you or your representative submitted a response?

It appears the facts of your case meet the criteria for expedited review of administrative error. I will create an expedited service request and send it to the relevant office to review. USCIS will make every effort to respond within five (5) calendar days of the date the request was created.

This expedited case review process supplements the current appeals and motions process. It will not toll the timeframes for appeals or motions, rectify errors made by customers or their legal representatives, create an independent right of action, or address errors not included in the specifically-defined categories. Please refer to your denial notice for any information regarding your right to file an appeal or motion. Please make sure to follow all instructions and file your appeal or motion with the correct fee prior to the filing deadlines.

Note to Representative: Go to SRMT and take an "Administrative Error Expedite" Service Request. Ensure that the caller is within the "acceptable caller type" before taking a service request. When completing the service request you will need to include "response submitted on mm/dd/yy" and if they have documentation they sent a response include "customer states has ___ as evidence", in the "comments field".

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
  - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Have you moved since you filed this application/petition?

- Yes
- No

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Did you submit a Change of Address (COA)?

- Yes
- No

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Note to Representative: Please use the answers to the two questions below to complete the "comments field" in the service request.

When and how did you submit the Change of Address?
Do you have documentation that you submitted the request?

It appears the facts of your case meet the criteria for expedited review of administrative error. I will create an expedited service request and send it to the relevant office to review. USCIS will make every effort to respond within five (5) calendar days of the date the request was created.

This expedited case review process supplements the current appeals and motions process. It will not toll the timeframes for appeals or motions, rectify errors made by customers or their legal representatives, create an independent right of action, or address errors not included in the specifically-defined categories. Please refer to your denial notice for any information regarding your right to file an appeal or motion. Please make sure to follow all instructions and file your appeal or motion with the correct fee prior to the filing deadlines.

Note to Representative: Go to SRMT and take an "Administrative Error Expedite" Service Request. Ensure that the caller is within the "acceptable caller type" before taking a service request. When completing the service request you will need to include "COA submitted on mm/dd/yy" and if they have documentation they changed their address include "customer states has ___ as evidence", in the "comments field".

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
  - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Have you or your representative received previous notices on this case?

- Yes
- No

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It appears the facts of your case meet the criteria for expedited review of administrative error. I will create an expedited service request and send it to the relevant office to review. USCIS will make every effort to respond within five (5) calendar days of the date the request was created.

This expedited case review process supplements the current appeals and motions process. It will not toll the timeframes for appeals or motions, rectify errors made by customers or their legal representatives, create an independent right of action, or address errors not included in the specifically-defined categories. Please refer to your denial notice for any information regarding your right to file an appeal or motion. Please make sure to follow all instructions and file your appeal or motion with the correct fee prior to the filing deadlines.

Note to Representative: Go to SRMT and take an "Administrative Error Expedite" Service Request. Ensure that the caller is within the "acceptable caller type" before taking a service request. When completing the service request you will need to include "possible improper or previous address", in the "comments field".

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
  - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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It appears the facts of your case meet the criteria for expedited review of administrative error. I will create an expedited service request and send it to the relevant office to review. USCIS will make every effort to respond within five (5) calendar days of the date the request was created.

This expedited case review process supplements the current appeals and motions process. It will not toll the timeframes for appeals or motions, rectify errors made by customers or their legal representatives, create an independent right of action, or address errors not included in the specifically-defined categories. Please refer to your denial notice for any information regarding your right to file an appeal or motion. Please make sure to follow all instructions and file your appeal or motion with the correct fee prior to the filing deadlines.

Note to Representative: Go to SRMT and take an "Administrative Error Expedite" Service Request. Ensure that the caller is within the "acceptable caller type" before taking a service request. When completing the service request you will need to include "possible incorrect initial address on form or data entry error", in the "comments field".

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Does your or your client's denial notice indicate you failed to appear for a biometric appointment?

- Yes
- No

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Did you or your client receive an appointment notice for biometrics?

- Yes
- No

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Did you or your client attend your or your client's biometric appointment?

- Yes
- No

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Note to Representative: Please use the answers to the two questions below to complete the "comments field" in the service request.

When did you have you or your client's biometrics taken?
Do you or your client have evidence you or your client had your or your client's biometrics taken?

It appears the facts of your case meet the criteria for expedited review of administrative error. I will create an expedited service request and send it to the relevant office to review. USCIS will make every effort to respond within five (5) calendar days of the date the request was created.

This expedited case review process supplements the current appeals and motions process. It will not toll the timeframes for appeals or motions, rectify errors made by customers or their legal representatives, create an independent right of action, or address errors not included in the specifically-defined categories. Please refer to your denial notice for any information regarding your right to file an appeal or motion. Please make sure to follow all instructions and file your appeal or motion with the correct fee prior to the filing deadlines.

Note to Representative: Go to SRMT and take an "Administrative Error Expedite" Service Request. Ensure that the caller is within the "acceptable caller type" before taking a service request. When completing the service request you will need to include "biometrics taken on mm/dd/yy" and if they have documentation they had biometrics taken include "customer states has ___ as evidence", in the "comments field".

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
  - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create he service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Did you make a request to reschedule your or your client's biometrics appointment prior to you or your client originally scheduled appointment date?

- Yes
- No

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Have you or your client received a new appointment notice for biometrics?

- Yes
- No

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Note to Representative: Please use the answers to the question below to complete the "comments field" in the service request.

What is the scheduled date and time of your or your client's new biometrics appointment?

It appears the facts of your case meet the criteria for expedited review of administrative error. I will create an expedited service request and send it to the relevant office to review. USCIS will make every effort to respond within five (5) calendar days of the date the request was created.

This expedited case review process supplements the current appeals and motions process. It will not toll the timeframes for appeals or motions, rectify errors made by customers or their legal representatives, create an independent right of action, or address errors not included in the specifically-defined categories. Please refer to your denial notice for any information regarding your right to file an appeal or motion. Please make sure to follow all instructions and file your appeal or motion with the correct fee prior to the filing deadlines.

Note to Representative: Go to SRMT and take an "Administrative Error Expedite" Service Request. Ensure that the caller is within the "acceptable caller type" before taking a service request. When completing the service request you will need to include "biometrics rescheduled for mm/dd/yy", in the "comments field".

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Note to Representative: Please use the answers to the question below to complete the "comments field" in the service request.

When did you or your client submit your request to reschedule your or your client's biometrics appointment?

It appears the facts of your or your client's case meet the criteria for expedited review of administrative error. I will create an expedited service request and send it to the relevant office to review. USCIS will make every effort to respond within five (5) calendar days of the date the request was created.

This expedited case review process supplements the current appeals and motions process. It will not toll the timeframes for appeals or motions, rectify errors made by customers or their legal representatives, create an independent right of action, or address errors not included in the specifically-defined categories. Please refer to your denial notice for any information regarding your right to file an appeal or motion. Please make sure to follow all instructions and file your appeal or motion with the correct fee prior to the filing deadlines.

Note to Representative: Go to SRMT and take an "Administrative Error Expedite" Service Request. Ensure that the caller is within the "acceptable caller type" before taking a service request. When completing the service request you will need to include "reschedule of biometrics requested on mm/dd//yy", in the "comments field".

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create he service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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The expedited review for administrative error is currently available only for a few specifically-defined types of errors. You or your client are not eligible for expedited review, however, you or your client may still request for USCIS to send a service request. Please read your denial letter for any information regarding your right to file an appeal or motion. Please make sure you or your client follow all instructions and file your appeal or motion with the correct fee prior to the filing deadlines.

Note to Representative: If the customer does not meet the expedited review criteria for administrative error but still indicates they believe USCIS made an error in the determination of their eligibility go to SRMT and take a Denial Information service request. Ensure the caller is within the "acceptable caller type" before taking a service request. If there is an issue with the address, draw attention to it in the comments block. Do not take a separate Change of Address service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create he service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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FAQs concerning Rejections and Dishonored Payments

- My case was rejected due to an improper filing. What can I do?
- My case was rejected due to an improper filing fee. What can I do?
- If my bank did not clear my payment for the filing fee, what will happen to my application?
- What will happen to my application if I send my payment after the 14-day limit?
- Am I allowed to pursue my application/petition process after it is rejected because I did not send payment within the 14-day limit?
- Am I liable to pay the fees if my application is already processed?
- USCIS rejected or sent back my application for Haitian TPS (Forms I-821 and I-765). What can I do?

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My case was rejected due to an improper filing. What can I do?

If you file an application or petition and it is rejected, it is not considered as being properly filed. A case can be rejected for many reasons including but not limited to: Incorrect fee, No fee, No signature, or Failure to file before a specific program expires. If a case is rejected, you will receive a notice explaining why it was rejected and, if you are allowed to re-submit it, what you may need to do or include with any resubmission. If you receive a rejection notice, please follow the instructions on that notice very carefully.

My case was rejected due to an improper filing fee. What can I do?

If your case was rejected due to an improper filing fee, you can resubmit the application with the correct fee, which can be found at www.uscis.gov/forms. The check or money order that was returned with your rejected filing has not been cashed by USCIS. If the original payment was for less than the required fee, you can include an additional check or money order with the original payment in order for the total amount of the payments to add up to the correct amount.

Note to Representative: If the customer asks about the "U.S. Department of Homeland Security Citizenship and Immigration Services" stamp on the check/ money order that was returned to him/her with the rejected application, please let the customer know: The checks and money ordered that are received by USCIS are stamped for security purposes. Checks or money orders that are returned with a rejected filing have not been cashed by USCIS.

If my bank did not clear my payment for the filing fee, what will happen to my application?

If your payment is not cleared by your bank, you will receive a notice to submit proper payment for the application/petition within 14 days.

What will happen to my application if I send my payment after the 14-day limit?

If payment is received after the 14-day limit, your application/petition may be rejected and your payment will be returned.

Am I allowed to pursue my application/petition process after it is rejected because I did not send payment within the 14-day limit?

If your application is rejected because you did not send payment within the 14-day limit, you may file a new application/petition and the associated fee must be submitted.

Am I liable to pay the fees if my application is already processed?

Yes, if the application/petition is approved/denied/revoked a liability for payment will still exist and collections of monies for the returned item will continue.

USCIS rejected or sent back my application for Haitian TPS (Forms I-821 and I-765). What can I do?

If USCIS rejected, as opposed to denied, your Haitian TPS application, we will take some information from you and request that Lockbox Support review your concerns to clarify the reason why your application was rejected and what actions you may need to take to get your application properly filed.

Note to Representative: If the customer indicates that the lockbox rejected or sent back their Haitian TPS application, go to SRMT and take a Rejection Reason Clarification service request for the appropriate Lockbox. Ensure the caller is within the "acceptable caller type" before taking a service request. If there is an issue with the address, draw attention to it in the comments block. Do not take a separate Change of Address service request.

FAQs concerning Denials

Note to Representative: If the customer has not received their denial notice, do not transfer the call to Tier 2 for the customer to ask why it was denied. Tier 2 Officers do not have access to the customer's denial notice. Therefore, there is no additional information that Tier 2 can provide to the customer.

- Can I do anything about unfavorable decisions?
- Are filing fees refundable?
- What is the difference between a case that is denied and a case that is administratively closed?
- I was informed that my case was denied, but I have not received the denial notice. What can I do?

FAQs concerning the expedited case review process do to Administrative Errors

- Am I allowed to have an Attorney or Representative?
- Do I have to pay a filing fee for the service request?
- What are the specifically-defined administrative error categories?
- Will the expedited case review program regarding administrative errors on behalf of USCIS change or affect the current process on filing a motion, appeal, or the procedure for errors made by the applicant or petitioner?
- How long will it take for the local office or service center to review my case and make a determination if there was an administrative service error?
- How long will it take to route the service request to the local office or service center that denied my immigration benefit?
- What should I do if USCIS determines that there was no administrative error?

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Can I do anything about unfavorable decisions?

Yes. You can appeal many of these decisions either to the Board of Immigration Appeals (BIA) or to the Administrative Appeals Office (AAO). Whether the appeal is to the BIA or to the AAO depends on the type of case. You will be informed when you receive the unfavorable decision. Please follow any instructions on the decision notice.

Are filing fees refundable?

The filing fee is payment for processing of the application or petition. When you or your client pay a filing fee on an application, you are seeking a decision from USCIS regarding your eligibility for a benefit. In general, USCIS does not refund a fee regardless of the decision on the application unless there is a finding of USCIS error. Instances of USCIS error are as follows:

- **Unnecessary Filing -** USCIS (or the Department of State in the case of an application or petition filed overseas) erroneously requested an unnecessary application or petition and collected a fee;
- **Payment in Excess of Amount Due –** USCIS (or the Department of State in the case of an application or petition filed overseas) erroneously accepted and processed an application or petition with a fee in excess of the amount due;
- **Failure to Meet Premium Processing Times –** USCIS will refund the fee provided with Form I-907 whenever USCIS did not approve, deny, issue a Notice of Intent to Deny, send a Request for Evidence, or open a fraud investigation relating to an application or petition within 15 calendar days of receiving the application or petition accompanied by Form I-907 with the required fees;
- **Appeals or Motions to Reopen/Reconsider –** If an appeal or motion to reopen/reconsider is filed and the prior decision is overturned based on a clear finding of USCIS error, USCIS will initiate a fee refund for the appeal or motion, but not for the underlying application or petition;
- **Other –** There may be other instances where a refund is appropriate based on USCIS error.

Note to Representative: If the customer believes they are entitled to a refund, Go to SRMT and take a Refund Request type of service request based upon the customer's reason as noted above. Ensure the caller is within the "acceptable caller type" before taking a service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
  - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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What is the difference between a case that is denied and a case that is administratively closed?

A case that has been denied will require either an appeal or a motion to reopen or reconsider to be filed with the appropriate filing fee. Guidance, on which option is available to you (an appeal or a motion) along with instructions on how to file, will be included in the denial notice. You usually have 30 days to file an appeal or motion. Please read the instructions in the denial notice carefully.

A case that has been administratively closed can be reopened for up to one year after it has been closed. If your case was administratively closed, you should make a written request to the office where the case was handled requesting that the case be reopened.

I was informed that my case was denied, but I have not received the denial notice. What can I do?

Please allow 15 days to receive your or your client's decision in the mail. If it has been longer than 15 days since the date a decision was made on your or your client's case, we will take some information from you and request that the office which made the decision send you or your client a copy of the decision. This will not extend any time you or your client may have been given to appeal or file a motion to re-open or reconsider your case.

Note to Representative: If the customer indicates it has been longer than 15 days since the decision was made, go to SRMT and take a Non-Delivery of Denial Notice service request. Ensure the caller is within the "acceptable caller type" before taking a service request. If there is an issue with the address, draw attention to it in the comments block. Do not take a separate Change of Address service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

Am I allowed to have an Attorney or Representative?

You may, if you wish, be represented, at no expense to the government, by an attorney or other duly authorized representative. Your attorney or representative must fill out a specific form in order to represent you. The form depends upon the stage you are at in the process. Your attorney will know the proper form(s) to complete in order to represent you.

Do I have to pay a filing fee for the service request?

There is no filing fee for the service request regardless of the review action taken in your case by the expedited case review program regarding administrative errors.

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What are the specifically-defined administrative error categories?

The specifically-defined administrative error categories for the purpose of the expedited case review program are:

- USCIS issued an adverse decision based solely on a customer's failure to respond to a Request for Evidence (RFE), Notice of Intent to Deny (NOID), or Notice of Intent to Revoke (NOIR), and there is documentary evidence that the customer responded to the RFE, NOID, or NOIR, and USCIS received the response in a timely fashion.
- USCIS issued an adverse decision solely due to a customer's failure to respond to an RFE, NOID, or NOIR, and USCIS determines there is evidence in USCIS systems that the RFE, NOID, or NOIR was not sent to the petitioner/applicant or, if there is a Form G-28 on file, to the attorney or representative of record.
- USCIS sent an RFE, NOID, NOIR, or biometric appointment notice to a previous or improper address and USCIS determines there is evidence in USCIS systems that the customer properly submitted a change of address prior to the issuance of the RFE, NOID, NOIR, or biometric appointment notice.
- USCIS issued an adverse decision solely based on a customer's alleged failure to appear at a biometrics appointment, and there is documentary evidence that the customer attended the appointment or made a valid, timely request that it be rescheduled.

Will the expedited case review program regarding administrative errors on behalf of USCIS change or affect the current process on filing a motion, appeal , or the procedure for errors made by the applicant or petitioner?

No, this customer service process is not intended to: circumvent the motion and/or appeal process, toll the appeal/motion timeframes, rectify errors made by customers or their legal representatives or address errors not included in the specifically defined categories for administrative errors.

How long will it take for the local office or service center to review my case and make a determination if there was an administrative error?

The local office or service center will make every possible effort to review the case within five (5) calendar days of the creation of the service request and a response will be sent shortly thereafter.

How long will it take to route the service request to the local office or service center that denied my immigration benefit?

The expedited service request is immediately submitted electronically to the appropriate service center or local office.

What should I do if USCIS determines that there was no administrative error?

If USCIS determined there was no administrative error, please follow the instructions on the original Notice of Decision provided by USCIS.

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FAQs concerning Appeals and Motions

- Am I allowed to have an Attorney or Representative?
- How can I tell if my first decision may be appealed?
- How do I submit an appeal?
- How long will it take to process my appeal?
- How do I file a motion?
- What else do I need to know about motions?
- What happens when I file a motion?
- Can I ask for an oral argument?
- Do I need to submit a brief?
- Do I have to pay a filing fee?
- What if I need more information?
- Information about immigration benefits in EOIR removal proceedings

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Am I Allowed to Have an Attorney or Representative?

You may, if you wish, be represented, at no expense to the government, by an attorney or other duly authorized representative. Your attorney or representative must fill out a specific form in order to represent you. The form depends upon the stage you are at in the process. Your attorney will know the proper form(s) to complete in order to represent you.

How Can I Tell If My First Decision May Be Appealed?

At the time of an unfavorable decision about your application, petition, or court proceeding, you will be informed in writing whether or not the decision may be appealed.

How Do I Submit an Appeal?

You should review the Notice of Denial that accompanied the adverse decision to determine whether you may appeal the denial of your petition or application. The decision will inform you of what steps you can take as well as the proper appellate jurisdiction and form information.

How long will it take to process my Appeal?

To Check the Administrative Appeals Office (AAO) processing time, please visit www.uscis.gov. From the home page, please select the "About Us" link at the top of the page, then select the "Directorates and Program Offices" link on the left-hand side, then select the "Administrative Appeals Office (AAO)" link on the left-hand side, then select the Appeals Processing Times link on the right-hand side.

How Do I File A Motion?

Motions to Re-open or to Re-consider are filed using Form I-290B. There is a 30-day deadline in which to file a motion. Please read the instructions to the Form carefully and file with the appropriate filing fee. You must submit it to the office that has the record upon which the unfavorable decision was based. Your denial notice will also give you instructions on how and when to file.

What Else Do I Need to Know About Motions?

Any motion to **reopen** that you file must state new facts to be proved and be supported by affidavits or other evidence.

Any motion to **reconsider** that you file must state the reasons for reconsideration and be supported by any relating precedent decisions to establish that the decision was based on an incorrect application of law or Service policy.

If you are an alien, a motion to reopen or reconsider a decision in a removal proceeding may not be made after you have departed from the United States.

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What Happens When I File A Motion?

You will receive a decision on any properly filed motion you submit. The filing of a motion, however, with certain exceptions, does not serve to stay the execution of any decision made in your case or to extend a previously set departure date.

Can I Ask for an Oral Argument?

You may, with certain exceptions, request oral argument in a proceeding before the Administrative Appeals Office, but your request may be denied or rejected. The government does not furnish interpreters for your oral argument. If you need an interpreter, you must bring the interpreter with you.

Do I Need to Submit a Brief?

No. You do not need to submit a brief in support of your appeal or motion, but you may submit one. Or you may submit a simple statement instead.

Do I Have to Pay a Filing Fee?

In most cases, you must pay a filing fee for any appeal or a motion. This filing fee will not be refunded regardless of the action taken in your case unless there was a clear Service error.

What if I Need More Information?

If advice is needed, you may be able to obtain immigration-related free pro-bono legal services. The Department of Justice maintains a listing of these pro bono providers across the country on their web site at: http://www.justice.gov/eoir/probono/states.htm . You can also find information concerning appeals and motions on our Web site.

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Note to Representative:
Customers can submit an expedite request if the situation causing the need for the expedite fits one or more of the criteria listed below. The burden is on the customer to show that one or more of the expedite criteria have been met. A customer may request expedited processing if they can show that their situation falls into any of the following:

- Severe financial loss to company or individual.
- Extreme emergent situation.
- Humanitarian situation.
- Nonprofit status of requesting organization in furtherance of the cultural and social interests of the United States.
- Department of Defense or National Interest Situation (**Note**: Request must come from official U.S. government entity and state that delay will be detrimental to our government).
- USCIS error
- Significant and compelling reason such as a medical condition
- Military deployment
- Age-out cases not covered under the *Child Status Protection Act*, and applications affected by sunset provisions such as diversity visas
- Loss of social security benefits or other subsistence

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FAQs pertaining to the TSAMCHO SETTLEMENT AGREEMENT

- How do I know if I am eligible to have my I-730 petition reopened?
- I am calling about the TSAMCHO SETTLEMENT AGREEMENT. My Form I-730 petition was denied because my relative did not attend his/her interview at the U.S Embassy/Consulate. How can I request to reopen my case?
- What can I expect after USCIS reopens my case?
- Currently, I don't know if my relative/beneficiary will be able to attend his/her interview within the next six months. Will USCIS deny my case if my relative cannot attend the interview?
- What if my relative found out that he/she does not know if they will be able to attend the interview after I submitted a request for an interview date?
- Does USCIS charge a fee to reopen my case?
- Am I eligible to have my Form I-730 petition reopened under the TSAMCHO Settlement Agreement if it was denied for some reason other than the failure of my relative/beneficiary to appear for an interview at the U.S. Embassy/Consulate?
- Can I request that the interview of my relative be waived?

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How do I know if I am eligible to have my I-730 petition reopened?

If your Form I-730 petition was denied, you are eligible to have your Form I-730 petition reopened and approved if:

- You or your client filed a Form I-730, Refugee/Asylee Relative Petition; and
- USCIS approved the Form I-730 petition; and
- The Beneficiary did not appear at a U.S. Embassy/Consulate for a required interview; and
- USCIS then reopened and denied the Form I-730 petition solely because the Beneficiary did not appear at the U.S. Embassy/Consulate for the interview.

I am calling about TSAMCHO SETTLEMENT AGREEMENT. My Form I-730 was denied because my relative did not attend his/her interview at the U.S Embassy/Consulate. How can I request to reopen my case?

If your or your client's relative can attend the interview at the U. S Embassy/Consulate within six months, USCIS will reopen your case. In order to submit a request to reopen your case, I need to obtain some information.

Note to Representative: If the caller states that the beneficiary can attend an interview within the next six months, please go to SRMT and take an **"Other"** service request type. Put the following information in the "Notes" section of the SRMT request: "TSAMCHO CASE" on the first line of the notes section of the SRMT. Then proceed with obtaining all of the information from the caller and placing that information in the Notes section below the "TSAMCHO CASE" notation.

- Beneficiary Name:
- Beneficiary A number:
- Beneficiary current address:
- Beneficiary phone number/email address

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
  - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

What can I expect after USCIS reopens my case?

After USCIS reopens your case, you or your client will receive a Notice of Action indicating that your or your client's Form I-730 petition has been reaffirmed and has been sent to the U.S. Department of State's National Visa Center for interview scheduling.

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Currently, I don't know if my relative/beneficiary will be able to attend his/her interview within the next six months. Will USCIS deny my case if my relative cannot attend the interview?

USCIS will not deny your or your client's case. USCIS will hold your or your client's Form I-730 petition administratively closed until you or your client notify us that your or your client's relative/beneficiary can attend the interview. You or your client may contact USCIS three months prior or as soon as you or your client know that your or your client's relative/beneficiary can attend the interview.

Note to Representative: If the customer states that the beneficiary can attend an interview within the next six months, please go to SRMT and take an **"Other"** service request type. Put the following information in the "Notes" section of the SRMT request: "TSAMCHO CASE" on the first line of the notes section of the SRMT. Then proceed with obtaining all of the information from the caller and placing that information in the Notes section below the "TSAMCHO" notation.

- Beneficiary Name:
- Beneficiary A number:
- Beneficiary current address:
- Beneficiary phone number/email address

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
  - **If the service request being created for the legal representative indicates it is a tertiary (third) request or feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

What if my relative found out that he/she does not know if they will be able to attend the interview after I submitted a request for an interview date?

If after a request is made to USCIS, you or your client found out that your or your client's relative/beneficiary does not know whether he/she can attend the interview at a U.S. Embassy/Consulate within six months, USCIS will hold the Form I-730 petition until your or your client's relative/beneficiary is able to attend an interview.

Does USCIS charge a fee to reopen my case?

No. USCIS will not charge a fee to reopen the Form I-730 petition.

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Am I eligible to have my Form I-730 petition reopened under the TSAMCHO Settlement Agreement if it was denied for some reason other than the failure of my relative/beneficiary to appear for an interview at the U.S. Embassy/Consulate?

If your or your client's Form I-730 is denied for some reason other than failure to appear for an interview, you or your client are not eligible to request that your Form I-730 petition be reopened under the TSAMCHO Settlement Agreement. However, you or your client may be eligible to file Form I-290B, Notice of Appeal or Motion. For further information on how to file an Appeal or a Motion please visit www.uscis.gov

Can I request that the interview of my relative be waived?

No. Interviews cannot be waived. In order to further process the Form I-730 petition, including verifying the relationship between the Petitioner and the Beneficiary so that the Beneficiary may receive refugee/asylee status, the Beneficiary must be interviewed at a U.S. Embassy/Consulate or USCIS overseas office.

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My Form I-130, or other petition or application, was previously denied solely because of DOMA. What should I do?

USCIS will reopen those petitions or applications that were denied solely because of DOMA section 3. If such a case is known to us or brought to our attention, USCIS will reconsider its prior decision, as well as reopen associated applications to the extent they were also denied as a result of the denial of the Form I-130 (such as concurrently filed Forms I-485).

Once your I-130 petition is reopened, it will be considered anew—without regard to DOMA section 3—based upon the information previously submitted and any new information provided. USCIS will also concurrently reopen associated applications as may be necessary to the extent they also were denied as a result of the denial of the I-130 petition (such as concurrently filed Form I-485 applications).

Additionally, if your work authorization was denied or revoked based upon the denial of the Form I-485, the denial or revocation will be concurrently reconsidered, and a new Employment Authorization Document issued, to the extent necessary. If a decision cannot be rendered immediately on a reopened adjustment of status application, USCIS will either (1) immediately process any pending or denied application for employment authorization or (2) reopen and approve any previously revoked application for employment authorization. If USCIS has already obtained the applicant's biometric information at an Application Support Center (ASC), a new Employment Authorization Document (EAD) will be produced and delivered without any further action by the applicant. In cases where USCIS has not yet obtained the required biometric information, the applicant will be scheduled for an ASC appointment.

No fee will be required to request USCIS to consider reopening your petition or application pursuant to this procedure. In the alternative to this procedure, you may file a new petition or application to the extent provided by law and according to the form instructions including payment of applicable fees as directed.

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Chapter 4 Questions About my New Status as a Permanent Resident

What questions do you have about your or your client's new permanent resident status?

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Chapter 4	Questions About my New Status as a Permanent Resident
Unit 1	Information about What to Show When Applying for a Social Security Number, Driver's License, or Job

OVERVIEW

Individuals who have received their Permanent Resident Card may use the card as evidence of their status and can use the card to apply for other identity documents, such as a social security card and driver's license. Permanent residents are allowed to work in the United States. Individuals who desire to work may show their permanent resident card or other identity documents as evidence of work eligibility.

Prompt – It appears you are a new permanent resident who would like information concerning what evidence to show when applying for a social security number, driver's license or job. Is that correct?
If yes, continue below
If no, go to "Where to Start"

Note to Representative: Please select one of the following, based on the customer's inquiry:

What to show when applying for a Social Security Card.

After you receive permanent resident status, you or your client may use your I-551, Permanent Resident Card, as evidence of your status. When you, or your client, apply for a social security card, you will be required to show documentation of your or your client's status in the United States to the Social Security Administration. You or your client may show your or your client's Permanent Resident Card for this purpose. For more information about what documentation you or your client will need to show the Social Security Administration, please visit their Web site at www.ssa.gov.

What to show when applying for a Driver's License.

The documentation that you or your client will be required to submit when applying for a driver's license differs from state to state. However, in order to prove your or your client's legal status in the United States, you or your client may present your Permanent Resident Card. For more information about what documentation you will need to submit, please visit your or your client's state government's Web site.

What to show when applying for a Job.

When being hired for a job in the U.S., you or your client will be required to show evidence that you are legally eligible to work in the U.S. In most circumstances, you or your client will need to complete Form I-9. You or your client may show any documents that are listed on Lists A or B and C of Form I-9. Your or your client's Permanent Resident Card may be used for this purpose.

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Chapter 4	Questions About my New Status as a Permanent Resident
Unit 2	Questions about Permanent Resident Status and What it Means to You

OVERVIEW

A permanent resident can live and work in the U.S. Permanent residents have many rights and privileges, but do not have all the rights that U.S. citizens have. For example, a permanent resident cannot vote in federal elections. Every permanent resident has a record number, often called an A-number, which appears on the permanent resident card. Adult permanent residents must carry their card. Most cards are valid for ten years and must be renewed every ten years. However, some cards are valid for 2 years. If a permanent resident has a 2-year card, his/her status has conditions. These customers will need to apply to remove the conditions before the 2-year card expires.

Prompt – It appears you are a new permanent resident and want additional information about your status and what benefits and services may be available to you. Is that correct?
If yes, continue below
If no, go to "Where to Start"

As a permanent resident, you can live and work in the United States. You have many rights and privileges, but you do not have all the rights and privileges that a U.S. citizen has. For example, you are not allowed to vote in federal elections. As a permanent resident, you have been assigned a record number, also called an "A-number" which is on your card. If you ever have questions for USCIS about your status, you will need to refer to this number. You should always carry your card on your person. The card you have is either valid for two-years or ten-years. If you have a two-year card, that means you have conditions on your status and you will need to apply to remove those conditions before your card expires. If you have a ten-year card, you will need to renew your card every ten years.

Note to Representative: If the customer needs more information, please go to Volume 4.3 for information about the benefits and services available for permanent residents.

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I received a duplicate Permanent Resident Card or duplicate Employment Authorization Document

Note to Representative: USCIS is seeking the return of EADs and PRCs where more than one card was issued. Customers who received more than one card will receive a letter from USCIS with step-by-step instructions on how to return the duplicate card. The letter will provide the serial number of the card to return, a picture showing where to find the serial number on the card, and a deadline by which to return the card. The letter will also include a stamped envelope.

Did you receive a letter from USCIS asking you to return a duplicate card (work permit/EAD or permanent resident card/PRC)?

- Yes
- No

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Please wait. You should receive a letter from USCIS about the receipt of duplicate cards. (You can end the call)

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How many cards do you currently have in your possession?

- Two
- One
- None

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Do you know which one to return to USCIS?

- Yes (You can end the call)
- No

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Please follow the instructions in the letter you received. You must locate the serial number on the card – information on how to do this is in the letter. You should send back the card that is the duplicate and keep the card that is valid. (You can end the call)

Did you already return one card to USCIS?

- Yes (You can end the call)
- No

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If you only received one card or lost the second card, complete the attestation that was included in the letter you received and mail it to USCIS.

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Did you receive any cards in the mail?

- Yes
- No

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If both cards were lost or stolen, contact the police to submit a report and you will need to file a new Form I-90 or Form I-765 with a copy of the police report to request a replacement.

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Note to Representative: Take a Non-delivery service request of a Permanent Resident Card or Employment Authorization Document:

Permanent Resident Cards

Employment Authorization Documents

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CSR Transfer Statement:

Due to a high volume of calls, we would be happy to take some information from you and refer your inquiry to a USCIS officer to research and respond.

Note to Representative:

- Go to SRMT and take a service request.
  - The Service Request Type will be based on the Transfer Reason
  - In the comments block, state the specific information that the customer is seeking and a brief reason why he or she needed the call escalated.
  - Ensure the caller is within the "acceptable caller type" before taking the service request.
  - Complete the service request and use the routing override capability to select **WKD** as the office for the service request to route to Tier 2.
  - Provide the customer with the referral ID number
  - Advise the customer that a USCIS officer will research their inquiry and contact them within 3 to 5 business days.

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In order to ensure customer privacy and security as well as data integrity, we may only take information regarding cases from the following individuals:

- The applicant/petitioner (The person who signed the application or petition in question)
- A translator (Only if the applicant/petitioner is present)
- An attorney who claims to have a G-28 on file for the petitioner/applicant OR a paralegal from that attorney's office/firm (ask if the attorney has a G-28 on file).
- A Community-Based Organization (CBO) who is representing the applicant/petitioner and who has a G-28 on file (ask if the CBO has a G-28 on file).
- A parent of an applicant/petitioner who is under age 18.
- A legal guardian of an applicant or petitioner.
- An adult caregiver of the applicant or petitioner (Such as a nurse caring for an elderly or disabled person – if the applicant or petitioner is physically able to speak on the phone, his/her presence should at least be confirmed. If physically unable to speak on the phone, continue as if the caregiver were the applicant/petitioner)

Confirm that the caller meets at least one of the above listed requirements before taking a Service Request. If the caller is not within one of the acceptable caller types listed above, we will not be able to take a service request from the caller.

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The fact that you have a receipt notice which informs you of your "case receipt number" assures you that your case has been accepted and is active. If the case has been recently filed it may take longer than normal to view your case information on the USCIS **Case Status Online** feature. There is no negative impact on the processing of your case if the case information is not available online. Until the information is made available online you will not be able to track your case electronically on **Case Status Online**.

Please allow 30-45 days for the most current up to date status on your case to be made available electronically. If the information is not available within this time frame please return the call so that we may investigate the matter further.

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CSR prompt – It appears you have a question about a currently pending case. Is that correct?

If yes, continue below
If no, go to "Where to Start"

Note to Representative: For an attorney, an accredited representative, or a community based organization transferring from the legal representative section of the "Where to Start" menu.

If the caller arrives here directly from the IVR, ask the caller,

Are you an employer, a legal representative, or a USCIS customer?

- Employer
- Legal Representative who has filed a G-28
- USCIS Customer

Note to Representative: The phrase "legal representative" refers equally to:

- attorneys/law-firms
- accredited representatives
- Community-based organizations (CBO's).

Note to Representative: If the customer is a legal representative calling on behalf of a client but does NOT have a G-28 on file, please provide the customer the following message: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Do you have questions about the Administrative Site Visit and Verification Program (ASVVP) or the status of a petition you filed on behalf of a prospective employee?

- Administrative Site Visit and Verification Program
- Status of a petition you filed on behalf of a prospective employee

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To assist you, I will need to collect some information from you.

Have you received a receipt notice with your receipt number?

- YES
- NO

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Do you have your receipt number available now?

- YES
- NO

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What is the receipt number?

Note to Representative:
Check Case Status Online using the receipt number provided by the customer. Note the receipt number, status of the case, and the form number filed that is shown in Case Status Online.

Exceptions:

- Information about adoption Forms I-600/I-600A and I-800/I-800A

- Forms I-881 and I-589 will not appear in Case Status Online. These form types are asylum-related applications and do not receive a receipt number. More information about what to do with pending I-589 and I-881 applications.

- Forms I-751 and I-829 receive receipt numbers but are not entered into Case Status Online because they are data entered in a separate system. Check the processing times for the form type and appropriate office provided by the customer. Based on the processing time listed, does the case appear to be outside normal processing times?

  - If **YES:** Please transfer the call to Tier 2, UNLESS Tier 2 live assistance is unavailable.
  - If **NO:** Tell the Customer: Your case is still within the normal processing time for this type of case at this specific office. Please allow the amount of time shown in the processing times listed for this form on our website to pass.

Chose the category the status you obtained from Case Status Online falls into:

- No automated information in Case Status Online

- Approved, document produced and mailed (Permanent Resident Card, Employment Authorization Card, or Combo Card) **Note to Representative:** Provide the USPS tracking number and delivery information from CSOL. Go to Volume 1 if the customer has additional questions. Unit 1.1.4

- Approved **Note to Representative:** Go to Volume 1 if the customer has additional questions. Unit1.2.3

- Review Completed and you will be notified of the decision by mail **Note to Representative:** Read the customer the following: Once you have received your decision in the mail and read the entire document, you may call back if you have questions.

- Pending **Note to Representative:** Only transfer the call to Tier 2, UNLESS Tier 2 live assistance is unavailable, if the customer has filed one of the following forms and his/her question pertains to one or more of the forms listed below.
  - VAWA related Form I-360 and related Forms I-485, I-765, I-601, or I-131;
  - T Nonimmigrant Forms I-914/I-914A and related Forms I-485, I-765, I-192, or I-131; **OR**
  - U Nonimmigrant Forms I-918/I-918A and related Forms I-485, I-765, I-131, I-192, or I-929.

It appears that you do not have your receipt number available or that you have lost your receipt number. Is that correct?

If "**YES**" continue with the instruction below

If "NO"

Note to Representative: If customer indicates they have lost their receipt number, please transfer the call to Tier 2, UNLESS Tier 2 live assistance is unavailable. If the customer just does not have their receipt number available, tell them the following: Please call back with the receipt number available.

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Have you or your client called about this issue on this specific case before?

- YES
- NO

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Note to Representative: Did the receipt number provided by the caller start with EAC, SRC, LIN, or WAC?
If the receipt prefix is MSC or NBC please select "NO" below.

- YES
- NO

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Was a service request created on your or your client's behalf on the previous call?

- YES
- NO

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Have you or your client received a response to that service request?

- YES
- NO

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Has it been 30 days since the service request was responded to?

- YES
- NO

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Has it been 30 days since the initial service request was created?

- YES
- NO

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Have you or your client requested the service request be updated and resent to the appropriate office?

- YES
- NO

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Have you or your client received a response to the updated service request?

- YES
- NO

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Has it been 30 days since the service request was updated and resent to the appropriate office?

- YES **Note to Representative:** The link will take you to the menu of issues which will lead you to the appropriate service request type where you can follow the override routing instructions.
- NO

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Please wait 30 days for an answer to your service request and completion of any promised actions or notices before requesting creation of a subsequent service request.

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Please wait 30 days before requesting a new service request be created.

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Was a service request created on your or your client's behalf on the previous call?

- YES
- NO

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Have you or your client received a response to that service request?

- YES
- NO

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Has it been 30 days since the service request was responded to?

- YES
- NO

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Has it been 30 days since the initial service request was created?

- YES
- NO

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Have you or your client submitted an email to the appropriate Service Center for follow-up?

- YES
- NO

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Note to Representative: Please provide the customer with the appropriate USCIS Service Center e-mail listed below based on their receipt prefix. The customer can e-mail the Service Center that has jurisdiction over his/her case. The customer's receipt notice will indicate **EAC** for the Vermont Service Center, **SRC** for the Texas Service Center, **LIN** for the Nebraska Service Center, and **WAC** for the California Service Center.

California Service Center: csc-ncsc-followup@uscis.dhs.gov
Vermont Service Center: vsc.ncscfollowup@uscis.dhs.gov
Nebraska Service Center: NSCFollowup.NCSC@uscis.dhs.gov
Texas Service Center: tsc.ncscfollowup@uscis.dhs.gov

Read the following to the customer: When e-mailing the service center, you should provide the information about what happened the first time you or your client called us about this issue. Also, if you remember, provide the name and/or ID number of the representative you or your client talked to when you called the first time, the date and time of the call, and if applicable, any service request referral number. You should also provide your receipt number, alien registration number, type of application filed and date filed. You should expect to receive a response from this e-mail within 21 days.

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Have you or your client received a response to the email sent to the Service Center?

- YES
- NO

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Has it been 21 days since the email inquiry was sent to the Service Center?

- YES
- NO

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Have you or your client submitted an email to HQ Service Center Operations?

- YES
- NO

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Please wait 21 days for an answer to your email inquiry and completion of any promised actions or notices before requesting creation of a subsequent service request.

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You can e-mail the USCIS Headquarters Office of Service Center Operations at: SCOPSSCATA@uscis.dhs.gov. When e-mailing Service Center Operations, you should provide the same information you or your client emailed to the service center. You should expect to receive a response from this e-mail within 10 days.

Note to Representative: If the caller needs a reminder of what they were to include, read the following: You should provide the information about what happened the first time you or your client called us about this issue. Also, if you remember, provide the name and/or ID number of the representative you or your client talked to when you called the first time, the date and time of the call, and if applicable, any service request referral number. You should also provide your receipt number, alien registration number, type of application filed and date filed.

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Have you or your client received a response to the email from HQ Service Center Operations?

- YES
- NO

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Has it been 10 days since the email inquiry was sent to HQ Service Center Operations?

- YES **Note to Representative:** The link will take you to the menu of issues which will lead you to the appropriate service request type where you can follow the override routing instructions.
- NO

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Please wait 10 days for an answer to your service request.

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How can I help you with your pending case?

2.1 - I need to change my address.

2.2 - I have a question about an appointment.

2.3 - I have questions about an immigration medical exam.

2.4 - I have questions about a Request for Evidence (RFE).

2.5 - There is a typographical error in a notice I received – OR – I need to change information on my case.

2.6 - I want to check the status of my case – OR – I have other general questions about my pending case.

2.7 - My case has been pending a long time and is either beyond normal processing times or approaching the regulatory time frame.

2.8 - Approval of Petitions and Applications after the death of a "Qualifying Relative"

2.9 - My Inquiry is concerning someone in the U.S. Military or a military dependent.

2.10 - I have questions about the Administrative Site Visit and Verification Program

Back to: Pending Cases Main Menu

Chapter 2.1 I Need to Change My Address on a Pending Application

CSR prompt – It appears you need to change your address on a case you have pending with us. Is that correct?
If yes, continue below
If no, go to "Where to Start"

Are you the applicant/petitioner on a case pending with USCIS, an attorney/legal representative and your office location has changed, or is your case pending with the BIA or Immigration Judge?

- I am the applicant/petitioner and I have a case pending with USCIS.
- I am an attorney/legal representative and my office location has changed.
- I filed an appeal with the Board of Immigration Appeals -OR- I am in Immigration Proceedings.

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Chapter 2.1 You Need to Change your address on a Pending Case

Unit 2.1.1 You are the Petitioner or Applicant and Your Address Has Changed

OVERVIEW

Certain customers are legally obligated to inform USCIS when they move. Customers who are not U.S. citizens, who are 14-years of age or older, and who have moved, are required to submit a completed Form AR-11 within ten days of the move. Customers, whether or not U.S. citizens, who have submitted Form I-864, Affidavit of Support, on behalf of someone who has become a permanent resident and the Affidavit of Support is still in force, are required to complete Form I-865 within thirty days of the move.

CSR prompt – It appears you need to change your address on a case you have pending with us. Is that correct?

If yes, continue below
If no, go to "Where to Start"

Have you already moved? Or do you want to change your mailing address?

- I have already moved.
- I have not moved yet but am planning on moving soon.
- I want to change my mailing address.

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Have you already completed a Change of Address (CoA) online?

- YES
- NO

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Have you moved again since completing your Change of Address (CoA) online?

- YES
- NO

Back to: Change of Address Pending Cases Main Menu

Has it been longer than 30 days since you completed your Change of Address (CoA) online?

- YES
- NO

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Please allow 30 days from the date you completed your Change of Address (CoA) online to receive notification from USCIS that the address on your pending case has been updated.

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I will need to get some information about you and your pending case. I will send the information to the office where your case is located. That office will update your address on the pending case and will also send you a confirmation letter. You should expect to receive that confirmation within 30 days.

Note to Representative: Go to SRMT and take a Change of Address service request. Ensure the caller is within the "acceptable caller type" before taking a service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
  - **If the service request being created for the legal representative indicates it is a tertiary (third) request, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Are you a United States Citizen?

- YES
- NO

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If you are a US citizen and have a pending case with us, you need to keep us informed of any change of address in order to receive any notices or decisions from us. You can personally update your address electronically on our website for most applications and petitions at www.uscis.gov, or we can take your change of address at this time.

Note to Representative: If the customer wishes to do the change of address now, Go to SRMT and take a Change of Address service request. Ensure the caller is within the "acceptable caller type" before taking a change of address.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

Note to Representative: USCIS can now accept a change of address online for members of the U.S. Military and their families overseas if they have an APO or FPO mailing address. For all other individuals who moved to a foreign address, please contact the nearest U.S. Embassy or Consulate.

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The law *requires* nearly all non-U.S. citizens to report a change of address within 10 days of moving by completing a Form AR-11. If you choose to use this online electronic change of address notification, please do not mail in a Form AR-11. On the other hand, if you choose not to use the online tool, and instead you choose to mail in a paper Form AR-11, please complete Form AR-11, and mail it to USCIS according to the instructions on the form. The form is available on our Web site at www.uscis.gov/ar-11.

Note to Representative: If the customer is calling to report a change of address and has filed one of the following forms, transfer the call to Tier 2, UNLESS Tier 2 live assistance is unavailable.

- VAWA related Form I-360 and related Forms I-485, I-765, I-601, or I-131;
- T Nonimmigrant Forms I-914/I-914A and related Forms I-485, I-765, I-192, or I-131; **OR**
- U Nonimmigrant Forms I-918/I-918A and related Forms I-485, I-765, I-131, I-192, or I-929.

Did you file your application or petition using USCIS ELIS?

- YES
- NO

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Note to Representative: If the customer is calling to report a change of address and has filed an application using ELIS, inform the customer of the following: If you filed your application in ELIS we can take a change of address for you, but please be advised that if you log into your ELIS account and change your address yourself it will be immediately reflected in your immigration record. Our telephonic process can take up to five days to be completed. If they still want to submit the change of address over the phone, Go to SRMT and take a "Change of Address" service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or the legal representative feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

We can take your change of address request on your pending application or petition, but you still have to complete a form AR-11 for purposes of abiding by the legal requirement of notifying DHS of your address change. You can use our electronic change of address tool available on our Web site at www.uscis.gov or complete the paper Form AR-11, and mail it to USCIS according to the instructions on the form.

Note to Representative: USCIS can now accept a change of address online for members of the U.S. Military and their families overseas if they have an APO or FPO mailing address. For all other individuals who moved to a foreign address, please contact the nearest U.S. Embassy or Consulate.

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Note to Representative: All other forms Go to SRMT and take a Change of Address. Ensure the caller is within the "acceptable caller type" before taking a change of address.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or the legal representative feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

We can take your change of address request on your pending application or petition, but you still have to complete a form AR-11 for purposes of abiding by the legal requirement of notifying DHS of your address change. You can use our electronic change of address tool available on our Web site at www.uscis.gov or complete the paper Form AR-11, and mail it to USCIS according to the instructions on the form.

Note to Representative: USCIS can now accept a change of address online for members of the U.S. Military and their families overseas if they have an APO or FPO mailing address. For all other individuals who moved to a foreign address, please contact the nearest U.S. Embassy or Consulate.

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We cannot update your address until you have actually completed your move. Please call us back once you have completed your move so we can help you change your address for immigration purposes.

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If you have a pending case with USCIS, and you want to change **your mailing address,** you need to write a letter to the USCIS office where the case is pending.

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Chapter 2.1 You Need to Change your address on a Pending Case

Unit 2.1.2 You are an attorney or legal representative and your office address has changed

OVERVIEW

If an attorney needs to change the address of the law firm or office on a G-28 connected to a pending case, he/she must mail in a new G-28 with the new address and an original signature to the office where the case is pending. He/she must submit a new G-28 for each separate case he/she is representing.

If you are an attorney or representative and you need to change the address of your law firm or office on a G-28 connected to a pending case, you'll need to mail in a new G-28 with the new address and an original signature to the USCIS office where the case is pending. You will need to submit a new G-28 for each separate case you are representing.

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Chapter 2.1	You Need to Change your address on a Pending Case
Unit 2.1.2	You Filed an Appeal with the Board of Immigration Appeals or You Have Been Placed in Immigration Proceedings

OVERVIEW

If a customer files an appeal with the BIA or is in immigration proceedings, the case may no longer be within USCIS jurisdiction. The BIA and Immigration Courts are under the jurisdiction of the Department of Justice and are separate from the Department of Homeland Security and USCIS. A customer in this situation may be required to report a change of address to both USCIS and the Department of Justice. If a customer who is in one of these situations calls USCIS to report a change of address, we should take the change of address, but we can also provide the customer with information on who, where and when to report a change of address to within the Department of Justice.

If you move and have been placed in Immigration Court proceedings or you have an appeal pending with the Board of Immigration Appeals (BIA), you must notify the Court or BIA within 5 days of your move by completing Form EOIR 33/IC (for cases pending before Immigration Judges) or Form EOIR 33/BIA (for cases pending with the BIA). You CANNOT notify the BIA/Court of a change of address on the USCIS Web site. The Forms EOIR 33/BIA or IC are available on the Department of Justice Web site at http://www.justice.gov/eoir/.

In addition to updating your address with the BIA or Immigration Court, you will also file a Form AR-11 separately with USCIS. You can complete the Form AR-11 electronically, on our Web site at www.uscis.gov.

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Chapter 2 I have a Question about an Appointment

OVERVIEW

Customers should make every attempt to appear at any appointment with USCIS. Otherwise, not appearing or rescheduling may delay case processing. That could mean the customer may have to repeat several processing steps. It also affects eligibility for any immigration benefit based on the pending application. In fact, failure to appear can be a reason to deny an application.

CSR prompt – It appears you have questions about an appointment with USCIS or about rescheduling an appointment with USCIS. Is that correct?
If yes, continue below
If no, go to "Where to Start"

FAQ Topics about Appointments

Unit 1	Directions to a USCIS Office or Application Support Center
Unit 2	Rescheduling a Local USCIS Office appointment
Unit 3	Rescheduling an ASC appointment and other general information about ASC appointment
Unit 4	Making an InfoPass Appointment
Unit 5	Requesting an Accommodation for an Appointment due to a Disability or an Impairment
Unit 6	General Information about Appointment Notices
Unit 7	Translator questions

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Unit 1 Directions to a USCIS Office or Application Support Center

For directions to a USCIS office or an Application Support Center, please visit our website at www.uscis.gov/about-us/find-uscis-office.

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Unit 2 Rescheduling a Local USCIS Office appointment

You should make every reasonable effort to appear at your appointment. Missing an appointment with USCIS can delay the processing of your case and could even result in a denial of your application or petition. What information can I provide to you about appointment rescheduling?

What information are you looking for regarding the rescheduling of an appointment?

Rescheduling an Appointment at a USCIS Local Office

Rescheduling Asylum or Overseas Appointments

General Rescheduling FAQs

Office Closure due to inclement weather

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Rescheduling an Appointment at a USCIS Local Office

Can my local office appointment be rescheduled?

If I believe I have a compelling reason, how do I request postponement or rescheduling of a local office interview?

Can I reschedule my Deferred Action for Childhood Arrivals interview?

I need to cancel or reschedule my InfoPass appointment. What should I do?

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Can my local office appointment be rescheduled?

USCIS will only reschedule a local office appointment if you have a compelling reason why you cannot make the appointment. Compelling reasons for not being able to make an appointment depend on individual circumstances, but some examples would be:

- Your hospitalization or the hospitalization of an immediate family member;
- Death of an immediate family member;
- Any illness that prevents you from attending your appointment or serious illness of a family member for whom you are responsible;
- Scheduled jury duty;
- School graduation ceremonies for you or for an immediate family member;
- A temporary absence from the United States during the period can sometimes be a compelling reason depending on the circumstances;
- Military Deployment (including military dependents).

The scheduled interview is essential to making a determination on your eligibility for the immigration benefit for which you are applying. It is very important that you make a reasonable effort to appear as scheduled.

If I believe I have a compelling reason, how do I request postponement or rescheduling of a local office interview?

If you feel you absolutely cannot make a scheduled local office appointment, follow any instructions on the appointment notice to request postponement and rescheduling.

If your notice does not provide any instructions or if you are confused about how to reschedule, I can take some information from you and send an explanation of your circumstances to the office that has jurisdiction over your case.

Note to Representative: If the customer indicates that the appointment notice does not address rescheduling or if the customer is confused about how to reschedule, Go to SRMT and take an "Interview Reschedule" service request and submit it to the local office where the interview is scheduled. In the comments section, note the customer's reason for wanting to reschedule. Ensure the caller is within the "acceptable caller type" before taking the request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or the legal representative feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

If the customer wants to reschedule due to illness and it is NOT within 3 days of the scheduled interview, inform the customer to call back within 3 days of the scheduled interview date if still ill.

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Can I reschedule my Deferred Action for Childhood Arrivals interview?

You should make every reasonable effort to appear at your interview. Missing an interview appointment with USCIS can delay the processing of your case and could even result in a denial of your request.

If you are unable to attend your interview at the scheduled date and time, we will take your request to reschedule and submit it to the appropriate office. Would you like me to submit a request to reschedule the interview?

Note to Representative: If the customer is unable to attend the interview at the scheduled date and time, Go to SRMT and take a DACA Interview service request. In the comments section, write the requestor's name, reason the requestor is unable to attend the interview, Form I-821D receipt number, Time, Date, and Place of Interview. If the receipt number begins with WAC route the service request to the California Service Center (CSC). If the receipt number begins with LIN, route the service request to the Texas Service Center (TSC). Ensure the caller is within the "acceptable caller type" before taking a service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or the legal representative feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

I need to cancel or reschedule my InfoPass appointment. What should I do?

InfoPass allows you to cancel or reschedule appointments by using the 5-digit pin number at the bottom of your printed out appointment confirmation notice. Please cancel your appointment if you cannot make it at the appointed time. There is no penalty for rescheduling or canceling an appointment.

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Rescheduling Asylum or Overseas Appointments

If I believe I have a compelling reason, how do I request postponement or rescheduling of an asylum office interview?

If I believe I have a compelling reason, how do I request postponement or rescheduling of an overseas office interview?

Back to: Appointment Questions Pending Cases Main Menu

If I believe I have a compelling reason, how do I request postponement or rescheduling of an asylum office interview?

If you are scheduled to appear for an interview at an asylum office, please contact the asylum office having jurisdiction for your case, as indicated on your interview notice.

Note to Representative: If the customer does not have the notice available or does not know how to contact the asylum office, please provide the appropriate phone number to the customer based on where the customer's interview was scheduled:

- Arlington Asylum Office: 703-235-4100
- Chicago Asylum Office: 312-849-5200
- Houston Asylum Office: 281-931-2100
- Los Angeles Asylum Office: 714-808-8000
- Miami Asylum Office: 305-960-8600
- Newark Asylum Office: 201-508-6100
- New York Asylum Office: 718-723-5954
- San Francisco Asylum Office: 415-293-1234

If I believe I have a compelling reason, how do I request postponement or rescheduling of an overseas office interview?

To reschedule an appointment you will need to contact the office in which your appointment is scheduled. For contact information, please visit the overseas office locator page on www.uscis.gov.

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General Rescheduling FAQs

Will my request automatically be granted?

What happens if I do not receive an answer to my request before the appointment?

What happens if my request is granted?

What happens if my request is denied?

What happens if I just do not show up for my appointment?

Can I request rescheduling after my appointment has already passed?

I am running late for my appointment. What should I do?

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Will my request automatically be granted?

No. Requesting to reschedule does not automatically excuse you from your appointment and it does not automatically mean that you will be rescheduled. Your request will only be granted if you have a compelling reason why you cannot make your appointment. You will be notified of the decision.

What happens if I do not receive an answer to my request before the appointment?

USCIS cannot guarantee that an answer will be provided before the scheduled appointment. There is always some risk in not appearing for an appointment even if you have requested postponement. We recommend that you appear for your appointment unless you have a compelling reason why you cannot make the appointment.

What happens if my request is granted?

You will be notified. You should receive a new appointment notice.

For cases where there are a large number of customers waiting for an interview, your request for postponement and rescheduling, if granted, could delay your receiving the immigration benefit.

What happens if my request is denied?

If your request is denied before the date of the scheduled appointment, you will be notified and told to appear as scheduled.

If your request is denied after the date of the scheduled appointment, it is possible your application could be denied because you did not appear and you did not have a compelling reason for postponement.

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What happens if I just do not show up for my appointment?

In general, if you do not appear for an appointment and USCIS has not agreed to the request to reschedule, USCIS may deny your application.

Can I request rescheduling after my appointment has already passed?

Yes, until your application is denied. You must show that you had a compelling reason for missing the appointment and that this reason prevented you from requesting rescheduling before the appointment time.

I am running late for my appointment. What should I do?

If you are running late for your interview appointment you are considered a no show and the local USCIS office reserves the right to decline interviewing you the same day. If you know in advance that you are going to be late for your interview, it is your responsibility to communicate with the local office that has jurisdiction over your case by making an appointment through InfoPass or by writing a letter to request accommodation. If you are not able to make your appointment with the local office that has jurisdiction over your case, please follow the instructions on your appointment notice.

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Office Closure due to inclement weather

I was scheduled for an interview or oath ceremony but the USCIS office is closed due to inclement weather. What should I do?

I scheduled an InfoPass appointment, but the USCIS office is closed due to inclement weather. What should I do?

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I was scheduled for an interview or oath ceremony but the USCIS office is closed due to inclement weather. What should I do?

If you missed your interview or oath ceremony because a USCIS office was closed due to inclement weather, USCIS will contact you by phone or by mail to reschedule your appointment.

Note to representative: If a caller states that he/she received a call from a local USCIS office about his/her rescheduled interview appointment and he/she wants to confirm the appointment, please inform the caller that he/she should follow the instructions relayed to him/her by the local USCIS office. The customer may also visit our website and make an Info Pass appointment with the local office to confirm the rescheduled appointment.

I scheduled an InfoPass appointment, but the USCIS office is closed due to inclement weather. What should I do?

You need to re-schedule a new InfoPass appointment on your own on our Website at https://infopass.uscis.gov/.

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Unit 3 Rescheduling an ASC appointment and other general information about ASC appointment

What information are you looking for?

Questions about Rescheduling Application Support Center (ASC) appointments

General questions about Application Support Center (ASC) appointments

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Questions about Rescheduling Application Support Center (ASC) appointments

I missed my ASC appointment or I know in advance that I will need to reschedule my ASC appointment

I am running late for my ASC appointment. What should I do?

Can I walk into the ASC and hand deliver my request to be rescheduled, or do I have to mail the request letter?

Will the BPU send out a confirmation receipt letter to an applicant that requested to be rescheduled? If so, how long does an applicant have to wait before receiving the confirmation letter?

While waiting to be rescheduled by BPU, can I walk in at the local ASC and request to be fingerprinted if an emergency situation arises, such as travelling overseas?

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I missed my ASC appointment or I know in advance that I will need to reschedule my ASC appointment

If you received a notice telling you to go to an ASC location to have your biometrics taken, but you had an emergency that kept you from attending your appointment or you know in advance that you will not be able to attend your appointment, you can check the "Request to Reschedule" block on the notice and mail the appointment notice to:

BPU Alexandria ASC, Suite 100
8850 Richmond Hwy
Alexandria, VA 22309-1586.

Note to Representative: Information for U.S. Armed Forces members and military dependents filing Form N-400

I am running late for my ASC appointment. What should I do?

All Application Support Centers (ASC) are only open Monday through Friday. If you are either late for a scheduled appointment or appearing at an ASC other than during your scheduled time, you may be accommodated unless the Application Support Center's Immigration Services Officer (ISO) determines that you cannot be processed due to the unavailability of biometrics technicians, in which case the ISO will have you return for processing at a later time.

Can I walk into the ASC and hand deliver my request to be rescheduled, or do I have to mail the request letter?

The BPU handles all mailed ASC rescheduling requests nationwide.

All Application Support Centers (ASC) are only open Monday through Friday. If you are either late for a scheduled appointment or appearing at an ASC other than during your scheduled time, you may be accommodated unless the Application Support Center's Immigration Services Officer (ISO) determines that you cannot be processed due to the unavailability of biometrics technicians, in which case the ISO will have you return for processing at a later time.

Will the BPU send out a confirmation receipt letter to an applicant that requested to be rescheduled? If so, how long does an applicant have to wait before receiving the confirmation letter?

No, there is no change in the current rescheduling process, other than the mail in location. BPU will not send a confirmation receipt letter. Once a decision is made on your request, you will be notified.

While waiting to be rescheduled by BPU, can I walk in at the local ASC and request to be fingerprinted if an emergency situation arises, such as travelling overseas?

Yes, while waiting to be rescheduled, you may walk into the local ASC and request to be fingerprinted **if** you have an emergency situation. However, you must present evidence of your emergency and an airline ticket showing that you are travelling overseas due to the emergency.

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General questions about Application Support Center (ASC) appointments

I lost my ASC appointment notice.

Does a person have to go to the ASC that is closest to his/her home zip code for biometrics appointment?

I received more than one appointment notice to appear for an ASC appointment.

I am a member of a family group and have been scheduled at an ASC for another day/time than the rest of my family.

I received more than one appointment notice to appear for an ASC appointment and I have not attended the first appointment yet.

I received more than one appointment notice to appear for an ASC appointment and I attended the first scheduled appointment.

I am an UK visa applicant residing in the US and need information about the UK visa application process or biometric services.

I am a Canadian visa applicant residing in the US and need information about the Canadian visa application process or biometric services.

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I lost my ASC appointment notice.

You may walk into an Application Support Center. However, Application Support Centers are only open Monday through Friday. If you are appearing at an ASC other than during your scheduled time, you may be accommodated unless the Application Support Center's Immigration Services Officer (ISO) determines that you cannot be processed due to the unavailability of biometrics technicians, in which case the ISO will have you return for processing at a later time.

OR

I can transfer you so you can inquire as to when your appointment was scheduled. Please, make sure you have your receipt notice or the receipt number available to assist in looking up your scheduled appointment. If your appointment is scheduled within the next 5 days, the representative may ask you for a fax number. If you have access to a fax, please have the number available.

Note to Representative: If the customer chooses to be transferred, please Transfer to TIER 2, UNLESS Tier 2 live assistance is unavailable.

Does a person have to go to the ASC that is closest to his/her home zip code for biometrics appointment?

Yes, applicants are to appear at the ASC that they are scheduled to appear at on the appointment notice. Biometrics appointments are scheduled to the ASC nearest to the zip code provided on a person's application. If an applicant is unable to appear at this location on their scheduled date, but can travel to another ASC for their appointment, then they may do so. If you go to another ASC, you may be accommodated unless the Application Support Center's Immigration Services Officer (ISO) determines that you cannot be processed due to the unavailability of biometrics technicians, in which case the ISO will have you return for processing at a later time.

I received more than one appointment notice to appear for an ASC appointment.

Please bring all appointment notices you have received to the first scheduled appointment. This is true whether the notices are both for the same day and time, different days and times, the same application type, or different application type. In most cases, the ASC can process the applicant for all required biometrics at a single appointment and/or clear up any issues if the additional notices were issued in error.

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I am a member of a family group and have been scheduled at an ASC for another day/time than the rest of my family.

In most cases, an ASC can process the member along with the remainder of the family group. This may not be the case if the ASC is experiencing a high volume of customers. You can choose to go along with the rest of the family to the ASC for the group's appointment, but with the understanding that you may or may not be processed depending on the customer volume at that time.

Note to representative: All Application Support Centers (ASC) are only open Monday through Friday and there are no specific walk-in days.

If a customer is either late for a scheduled appointment or appearing at an ASC other than during his/her scheduled time will be accommodated unless the Application Support Centers Immigration Services Officer determines that the customer cannot be processed due to the unavailability of biometrics technicians. The ASC-ISO will have the customer return for processing at a later time.

I received more than one appointment notice to appear for an ASC appointment and I have not attended the first appointment yet.

Please bring all appointment notices you have received to the first scheduled appointment. This is true whether the notices are for the same day and time, different days and times, the same application type, or different application type. In most cases, the ASC can process the applicant for all required biometrics at a single appointment and/or clear up any issues if the additional notices were issued in error.

I received more than one appointment notice to appear for an ASC appointment and I attended the first scheduled appointment.

Note to Representative: Ask the customer if the notices are for the same form type.

- If they are the same form type, ask if they received a biometrics processing confirmation stamp on their first appointment notice when they attended their scheduled appointment.
  - If they have the stamp, ask the customer for the date on the stamp.
    - If the date is within the last 4 weeks tell them to ignore the second notice.
    - If the date is more than 4 weeks ago, Transfer to TIER 2, UNLESS Tier 2 live assistance is unavailable.
  - If they do not have the stamp, Transfer to TIER 2, UNLESS Tier 2 live assistance is unavailable.

- If they are not the same form type, Transfer to TIER 2, UNLESS Tier 2 live assistance is unavailable.

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I am an UK visa applicant residing in the US and need information about the UK visa application process or biometric services.

The USCIS Application Support Center (ASC) provides biometric-capture services to UK visa applicants who reside in the United States. As such, the ASCs have NO AUTHORITY to review or answer questions about the UK visa processes.

For information about the UK visa application process or biometrics-capture services for UK visa applicants please visit www.gov.uk/visas-immigration. From this website, you can navigate to the website with information about where biometrics-capture services are located in the U.S. at www.vfsglobal.co.uk/USA/applicationcentre.html.

I am a Canadian visa applicant residing in the US and need information about the Canadian visa application process or biometric services.

The USCIS Application Support Center (ASC) provides biometric-capture services to Canadian visa applicants who reside in the United States. As such, the ASCs have NO AUTHORITY to review or answer questions about the Canadian visa processes.

For information about the Canadian visa application process or biometrics-capture services for Canadian visa applicants, please visit www.cic.gc.ca/english/visit/index.asp. From this website, you can navigate to the website with information about where biometrics-capture services are located in the U.S. at http://cic.mapcms.veriday.com/client/cic.

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Unit 4 Making an InfoPass Appointment

FAQs about Making or Scheduling an Appointment

Can I schedule an appointment for myself?

I am scheduling an InfoPass appointment to speak with an immigration Officer at the USCIS local office. Do I need to make a separate appointment for a family member who also has questions and will be accompanying me to the appointment?

I lost my InfoPass appointment notice. What should I do?

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Can I schedule an appointment for myself?

You can make an appointment yourself by using InfoPass on our Web Site. You can make the following types of appointments:

- If the application you have is required to be filed at a field office and that office allows or requires that specific type of application to be filed in-person;
- If your temporary evidence of status is expiring and you have not received your official document;
- If you were directed to make an appointment based on an order from an Immigration Judge;
- If you submitted a service request to the National Customer Service Center more than twice, but have not received an answer;
- If you need general immigration information, forms, or other immigration services.

I am scheduling an InfoPass appointment to speak with an immigration Officer at the USCIS local office. Do I need to make a separate appointment for a family member who also has questions and will be accompanying me to the appointment?

If your family member has questions regarding their case (s), it is recommended that a separate appointment be scheduled. However, if you and your family member (s) have questions regarding the same case or related cases, you could use the same scheduled appointment time to make your inquiries. In addition, when you schedule your InfoPass appointment, you will need to indicate the number of the individuals who will be attending the appointment.

I lost my InfoPass appointment notice. What should I do?

You can review and reprint a copy of your InfoPass confirmation appointment notice. To do so, go to http://infopass.uscis.gov and click on the link to make an appointment. Follow the same steps and enter the same information you did when you made your original appointment. When you click the Continue button, a copy of the confirmation letter will be displayed. However, the 5-digit pin number will not be included on this copy. The 5-digit pin is required only if you need to cancel your appointment for any reason. You should bring the InfoPass appointment notice confirmation, a Government-issued ID and all immigration forms, receipt notices, approval or denial letters, translations and original documents that relate to your inquiry with you to your appointment.

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Unit 5 Requesting an Accommodation for an Appointment due to a Disability or an Impairment

CSR prompt – It appears you have questions about requesting an accommodation for an appointment. Is that correct?
If yes, continue below
If no, go to "Where to Start"

Which of the following categories would your impairment or the impairment of the person you are assisting fall under?

Hearing Impairment

Physical Impairment

Visual Impairment

Speech Impairment

Special Accommodations for Homebound Customers

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Hearing Impairment

Do you or your client wish to request an accommodation for an appointment based on having a hearing impairment?

- If **YES**: Go to SRMT and take an Accommodation-Hearing Impairment service request. In the comments block, state the specific accommodation the customer is seeking and a brief reason why he or she is requesting it. Ensure the caller is within the "acceptable caller type" before taking a service request.
  - If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or the legal representative feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
  - If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

- If **NO**: Select "Pending Cases" below to return to the beginning of Volume 2 and proceed with the call.

Note to Representative: If the customer request involves an interview or ASC appointments please select the application/petition his or her appointment has been scheduled for as the form type. If the customer request does not involve an interview or ASC appointment, but he or she wants to discuss general questions at an InfoPass appointment please select ADA100 as the form type which will distinguish this from the other types of appointments.

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Physical Impairment

Would you like to request an accommodation for an appointment or do you have concerns regarding the accessibility/readability of your FOIA response?

- If **requesting an accommodation for an appointment**: Go to SRMT and take an Accommodation-Physical Impairment service request. In the comments block, state the specific accommodation the customer is seeking and a brief reason why he or she is requesting it. Ensure the caller is within the "acceptable caller type" before taking a service request.
  - If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or the legal representative feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
  - If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

- If the call is **concerning the accessibility/readability of the customer's FOIA response**: You may submit a request for assistance to USCIS.FOIA@uscis.dhs.gov. Please provide your name, a phone number where you can be reached, your FOIA request control number, the type of assistance required, and a description of the assistance needed (including the document type and number of pages with which you need assistance). Your request will be reviewed and a representative will contact you within 5 business days to address your needs. If the assistance provided by the representative is not sufficient, an electronic document that is partially or fully compatible with electronic readers will be provided to you within 10 business days.

- If **NO**: Select "Pending Cases" below to return to the beginning of Volume 2 and proceed with the call.

Note to Representative: If the customer request involves an interview or ASC appointment, please select the application/petition his or her appointment has been scheduled for as the form type. If the customer request does not involve an interview or ASC appointment, but he or she wants to discuss general questions at an InfoPass appointment please select ADA100 as the form type which will distinguish this from the other types of appointments.

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Visual Impairment

Would you like to request an accommodation for an appointment or do you have concerns regarding the accessibility/readability of your FOIA response?

- If **requesting an accommodation for an appointment**: Go to SRMT and take an Accommodation-Visual Impairment service request. In the comments block, state the specific accommodation the customer is seeking and a brief reason why he or she is requesting it. Ensure the caller is within the "acceptable caller type" before taking a service request.
  - If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or the legal representative feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
  - If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

- If the call is **concerning the accessibility/readability of the customer's FOIA response**: You may submit a request for assistance to USCIS.FOIA@uscis.dhs.gov. Please provide your name, a phone number where you can be reached, your FOIA request control number, the type of assistance required, and a description of the assistance needed (including the document type and number of pages with which you need assistance). Your request will be reviewed and a representative will contact you within 5 business days to address your needs. If the assistance provided by the representative is not sufficient, an electronic document that is partially or fully compatible with electronic readers will be provided to you within 10 business days.

- If **NO**: Select "Pending Cases" below to return to the beginning of Volume 2 and proceed with the call.

Note to Representative: If the customer request involves an interview or ASC appointment, please select the application/petition his or her appointment has been scheduled for as the form type. If the customer request does not involve an interview or ASC appointment, but he or she wants to discuss general questions at an InfoPass appointment please select ADA100 as the form type which will distinguish this from the other types of appointments.

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Speech Impairment

Do you or your client wish to request an accommodation for an appointment based on having speech impairment?

- If **YES**: Go to SRMT and take an Accommodation-Speech Impairment service request. In the comments block, state the specific accommodation the customer is seeking and a brief reason why he or she is requesting it. Ensure the caller is within the "acceptable caller type" before taking a service request.
  - If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or the legal representative feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
  - If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

- If **NO**: Select "Pending Cases" below to return to the beginning of Volume 2 and proceed with the call.

Note to Representative: If the customer request involves an interview or ASC appointment, please select the application/petition his or her appointment has been scheduled for as the form type. If the customer request does not involve an interview or ASC appointment, but he or she wants to discuss general questions at an InfoPass appointment please select ADA100 as the form type which will distinguish this from the other types of appointments.

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Special Accommodations for Homebound Customers

For ASC biometric appointments:

If you received an ASC appointment notice we may be able to assist by taking prints, photo and signature in your home. To request in-home service, you must submit a written request to schedule an in-home appointment for fingerprints/biometrics to be taken. You can mail the request to the local Field Office that has jurisdiction over your case and present the request for in-home processing. Your request must include a copy of the appointment notification and medical documentation verifying the need for an in-home appointment. After the request has been received and reviewed, you will receive further instructions.

For local Field Office interviews:

If you received a local Field Office interview notice we may be able to assist by conducting the interview in your home. To request in-home service, you must submit a written request to schedule an in-home interview. You can mail the request to the local Field Office that has jurisdiction over your case and present the request for an in-home interview. Your request must include a copy of the interview notification and medical documentation verifying the need for an in-home interview. After the request has been received and reviewed, you will receive further instructions.

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Unit 6 General Information about Appointment Notices

USCIS will schedule appointments for you to go to an Application Support Center (ASC) to be fingerprinted and photographed. USCIS also schedules interview appointments for you. USCIS will mail you a notice informing you of where and when to appear. Please follow the instructions on the notice carefully, particularly if you are required to bring any documentation. If you are scheduled for an ASC appointment or an interview at a local office, it is very important that you appear as scheduled.

If you received a notice from USCIS, which shows a specific time, date, and place to appear, this means you have been scheduled for the appointment and should go to the office on that date, at that time, with the notice in hand. That notice IS your appointment notice.

Note to Representative: The customer is seeking information about rescheduling an appointment.

Note to Representative: If the caller received an interview notice and has questions about a document mentioned in the notice, please read the following: If your notice is an interview notice, the notice may tell you to bring certain documents with you to the interview. If you have questions about a specific document mentioned in the notice, we recommend that you consult with an immigration attorney or a representative from an accredited community-based organization (accredited by the Board of Immigration Appeals). You may also be able to obtain immigration related free pro-bono legal services. The U.S. Department of Justice maintains a listing of these pro-bono providers across the country on their web site at: www.justice.gov/eoir/probono/states.htm. If you have enough time before the interview, you may also wish to make an InfoPass appointment via our website at www.uscis.gov to speak with an Immigration Information Officer.

Note to Representative: If the customer has more questions about an interview notice, please transfer call to TIER 2, UNLESS Tier 2 live assistance is unavailable.

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Unit 7 Translator questions

Do I need a translator to accompany me to my appointment or interview?

Can my child or other relative be my translator?

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Do I need a translator to accompany me to my appointment or interview?

USCIS does not provide translators. Therefore, if you feel that you need a translator, we recommend that you take a translator with you to your interview or appointment. If you are hearing impaired, USCIS may be able to provide sign language translators. Please make this request to the local office as soon as possible prior to your scheduled interview.

Note to Representative:

- If the interview is for asylum, the Asylum Division may provide language interpreters at the interview if the applicant requests a translator in advance.
- If the interview is for naturalization and the applicant qualifies for an exception to the English requirement, he/she may bring a translator to the interview or USCIS may select one for the applicant.

Can my child or other relative be my translator?

Unless it is an emergency situation, children and other immediate relatives should not be used as translators. Every attempt should be made to use a translator who is a disinterested third party. Please note that local offices have the discretion to accept or reject any person as a translator.

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Chapter 2.3	You Have Questions About an Immigration Medical Exam
Unit 2.3.1	You Have Questions about an Immigration Medical Examination

OVERVIEW

Only certified Civil Surgeons may complete an Immigration Medical Examination. A list of Civil Surgeons is available on the USCIS Web site. Upon completing the medical examination, the Civil Surgeon will complete and submit Form I-693.

CSR prompt – It appears you have some questions about an immigration medical examination. Is that correct?

If yes, continue below
If no, go to "Where to Start"

Only certified Civil Surgeons may complete an Immigration Medical Exam. The results of the exam are reported by the Civil Surgeon on Form I-693. A list of Civil Surgeons is available on our Web site, www.uscis.gov.

Can I help you find a Civil Surgeon in your area?

Note to Representative: List of certified Civil Surgeons by State

For additional information about the immigration medical exam and Form I-693, please go to the FAQ section on Form I-693 in Volume 3.

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Chapter 2.4 You Have Questions about a Request for Evidence or an Immigration Medical

Unit 2.4.1 You Have Questions about a Request for Evidence

OVERVIEW

A customer who receives a request for evidence (RFE) must respond to that request within the time specified on the request.
No additional time can be granted to a customer to respond to an RFE. If USCIS does not receive the customer's response within the time specified the case may be considered as abandoned and denied as a result. If the customer responds back with all or just some of the requested evidence, a decision will be made upon the case using that evidence sent in as the basis for the decision.

CSR prompt – It appears you have some questions about a request for evidence that you received. Is that correct?

If yes, continue below
If no, go to "Where to Start"

Note to Representative: Only transfer the call to Tier 2, UNLESS Tier 2 live assistance is unavailable, if the customer has filed one of the following forms and his/her question pertains to one or more of the forms listed below.

- VAWA related Form I-360 and related Forms I-485, I-765, I-601, or I-131;
- T Nonimmigrant Forms I-914/I-914A and related Forms I-485, I-765, I-192, or I-131; **OR**
- U Nonimmigrant Forms I-918/I-918A and related Forms I-485, I-765, I-131, I-192, or I-929.

A Request for Evidence (RFE) is made when an application or petition is lacking required documentation or USCIS needs more information before making a decision on the application/petition. The RFE will indicate what documentation or information is needed for USCIS to fully evaluate your application or petition. The notice will explain where to send the evidence and will give the deadline for your response. It is important that you respond to the RFE before the deadline and with all the evidence requested. No additional time can be granted to a customer to respond to an RFE. Failure to file a timely and complete response can result in a denial of the application/petition. A decision will be made on your application or petition using all the evidence you have provided. If you did not receive the original RFE, any re-mailed RFE has the same due date as the original.

Note to Representative: If the customer received an RFE for an updated Form I-693, Report of Medical Examination and Vaccination Record, but indicates he/she already submitted this form with their Form I-485, Application to Register Permanent Residence or Adjust Status, and wants to know if he/she has to submit another Form I-693, tell the customer: Form I-693 is normally valid for a period of one year. Under certain circumstances, USCIS has previously extended the validity of the form beyond one year. However, this policy is expected to end on May 31, 2014. Therefore, a Form I-693 that was submitted to USCIS over a year ago will no longer be valid after May 31, 2014. USCIS is requesting applicants provide a new, updated Form I-693 if the current Form I-693 associated with their cases is expired or expected to expire on or after June 1, 2014.

Note to Representative:
If the customer has not received their RFE notice, do not transfer the call to Tier 2 for the customer to ask what is being requested. Tier 2 Officers do not have access to the customer's RFE. Therefore, there is no additional information that Tier 2 can provide to the customer.
The customer received an RFE requesting DNA testing and has questions.
The customer has additional questions about an RFE.
The customer says that Case Status Online indicates that an RFE was sent, but the customer has not received it or the customer has lost it.

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Have you submitted a response to the Request for Evidence?

- YES
- NO

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If you have questions about a specific document request in the RFE, we recommend that you consult with an immigration attorney or a representative from an accredited community-based organization (accredited by the Board of Immigration Appeals). You may also be able to obtain immigration related free pro-bono legal services. The U.S. Department of Justice maintains a listing of these pro-bono providers across the country on their web site at: www.justice.gov/eoir/probono/states.htm. If you have enough time before the RFE deadline, you may also wish to make an InfoPass appointment via our website at www.uscis.gov to speak with an Immigration Information Officer.

Please keep in mind that even if you contact an attorney, accredited representative, or make an INFOPASS appointment, you must still respond to the RFE **and** submit the requested documents and/or information before the deadline.

Note to Representative: If the customer has more questions, please transfer call to TIER 2, UNLESS Tier 2 live assistance is unavailable.

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Occasionally USCIS will request DNA testing as a means of establishing a claimed parental relationship.

For information and instructions about DNA testing, please visit the U.S. Department of State website.

For the list of laboratories accredited by the American Association of Blood Banks (AABB), please visit the AABB webpage at www.aabb.org/sa/facilities/Pages/RTestAccrFac.aspx.

The AABB website only lists the headquarters or primary locations for each laboratory. However, many of the laboratories listed have multiple-state and/or multiple-site locations despite being listed under only one state. Therefore, you should contact the laboratory closest to your residence to identify all locations and contact information for that particular laboratory.

Note to Representative: If the customer has additional questions, please read the following:
We recommend that you consult with an immigration attorney or a representative from an accredited community-based organization (accredited by the Board of Immigration Appeals). You may also be able to obtain immigration related free pro-bono legal services. The U.S. Department of Justice maintains a listing of these pro-bono providers across the country on their web site at: www.justice.gov/eoir/probono/states.htm. If you have enough time before the RFE deadline, you may also wish to make an InfoPass appointment via our website at www.uscis.gov to speak with an Immigration Information Officer.

Please keep in mind that even if you contact an attorney, accredited representative, or make an INFOPASS appointment, you must still respond to the RFE **and** submit the requested documents and/or information before the deadline.

Note to Representative: If the customer has more questions, please transfer call to TIER 2, UNLESS Tier 2 live assistance is unavailable.

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Did you respond to the Request for Evidence more than 60 days ago?

- YES
- NO

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Since you responded to the Request for Evidence more than 60 days ago and you have not received any further information, and your case is outside normal processing times, we will do a service request on your case.

Note to Representative: If the case is outside normal processing times, Go to SRMT and take an ONPT Service Request. Ensure the caller is within the "acceptable caller type" before taking a service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
  - **If the service request being created for the legal representative indicates it is a tertiary (third) request or the legal representative feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Please wait at least 60 days after responding to a Request for Evidence to receive further information from USCIS about your case.

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Chapter 2.5 Our Notice Had a Typographical Error on it or You Need to Change Information on Your Case

OVERVIEW

Occasionally, customers will find typographical errors on notices or documents that USCIS sends. In some circumstances, customers may be able to request a new notice or document. Similarly, the circumstances of a customer's case may change and information about the case may need to be updated.

CSR prompt – It appears you have questions about a typographical error or you need to change information on your case. Is that correct?

If yes, continue below
If no, go to "Where to Start"

What question do you have about your case?

- I found a typographical error on my notice; I received a notice that was addressed to someone else; or I need to change information on my case.
- I filed an I-129 petition and I need to change the list of people included -OR- I need to change the consulates or Ports of Entry where the beneficiary will apply for a visa or entry.
- I filed an I-130, Relative Petition, when I was a permanent resident but have since become a U.S. citizen.
- I want to change my personal information what do I need to do?
  Note to Representative: Only read the bullet that is applicable to the customer's situation.

  Changing information after you become a permanent resident or a naturalized citizen:

  - If you are a permanent resident and want to change your personal information on your permanent resident card you must file Form I-90 with supporting document(s) and you must include the appropriate fee.
  - If you are a naturalized citizen and want to change your personal information on your naturalization certificate you must file Form N-565 with supporting document(s) and you must include the appropriate fee.

  Changing information on a petition or application while your case is pending or has just been submitted:

  - If your case is pending an interview and you want to change your personal information, please wait until you appear for the interview and inform the USCIS adjudication officer regarding any change that you would like to make. It is your responsibility to bring the supporting document(s) to the interview in order for the change to be made.
  - If your case is pending with a service center or a local office and you want to change your personal information, you may write a letter attaching supporting document(s) and mail it to the service center or local office that has jurisdiction over your case.
  - If you made a mistake on your application, and want to correct the information on your application, you may write a letter to the service center or local office that has jurisdiction over your case.

Back to: Pending Cases Main Menu

Chapter 2.5	Our Notice Had a Typographical Error on it or You Need to Change Information on Your Case
Unit 2.5.1	You found a typographical error in the information about you or your case in our notice, you received a notice that is not yours, or you need to change information on your case

OVERVIEW

A typographical error service request will be taken if the customer states that the receipt notice or other Service Center-generated notice has typographical errors.

CSR prompt – It appears you found a typographical error in a notice we sent to you. Is that correct?

If yes, continue below
If no, go to "Where to Start"

If you received a notice from us that appears to have a typographical error on it, please look at the notice you received carefully. What office sent you the notice?

Note to representative: Select the appropriate option below:

- If the customer's notice is from a LOCAL OFFICE, tell the customer that he/she must write to the local office or make an InfoPass appointment to go in and discuss the error.
- The customer's notice is from an Asylum Office.
- The customer's notice is from a Service Center or the National Benefits Center.
- The customer received a notice that does not belong to him/her.

If the Typographical Error is pertaining to the customer's address; please ask the following question before you proceed.
Have you moved from your previous physical address, such as changed apartment, building, suite or house floor level?

- Yes, --- handle the call as a Change of Address
- No, ---- follow the instruction to create a Typographical Error service request type. (continue on the next page)

If there is an error on an **approval** notice, please refer to Volume 1 for approved cases.

Back to: Typo Errors or Need to Change Information on I-129 Pending Cases Main Menu

Note to Representative: Using the receipt number provided by the customer, go to SRMT and check to see if a previous service request has been done on this case.

- If a typographical error service request has not been done previously, take a typographical error type of service request. Ensure the caller is within the "acceptable caller type" before taking a service request.
  - If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or the legal representative feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
  - If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

- If a typographic error service request was done less than 30 days ago, you cannot take a typographical error service request until at least 30 days have passed since the primary service request was taken.

- If a typographical error service request was taken more than 30 days ago, look at **Case Status Online** to see if a response or any other action was taken since the date the primary service request was taken. If the customer has a receipt number on-hand but **Case Status Online** does not have automated information, provide the customer with the following statement found in this link.
  - If **Case Status Online** does not indicate a response or any other action has been taken since the primary typo error service request was taken, take a secondary service request. Ensure the caller is within the "acceptable caller type" before taking a service request.
  - If **Case Status Online** indicates a response was done or that an action was taken since the primary typo error service request, then another typo error service request cannot be taken unless the typo error being reported is different than the one previously reported and unless 60 days has passed since the original primary was closed. If the customer falls into this category, transfer to Tier 2, UNLESS Tier 2 live assistance is unavailable.

Back to: Typo Errors or Need to Change Information on I-129 Pending Cases Main Menu

Chapter 2.5	Our Notice Had a Typographical Error on it or You Need to Change Information on Your Case
Unit 2.5.1b	You received a notice that doesn't belong to you

Since you received a document or notice that does not belong to you, I will need to collect some information from you.

Note to Representative: Go to SRMT and take a Typographical Error Service Request and note in the comments that the "document/notice was received by a person with no bearing on the case". The caller may not be within the "acceptable caller type" since they are not the person who was intended to get the letter.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
  - **If the service request being created for the legal representative indicates it is a tertiary (third) request or the legal representative feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

Back to: Typo Errors or Need to Change Information on I-129 Pending Cases Main Menu

Chapter 2.5	Our Notice Had a Typographical Error on it or You Need to Change Information on Your Case
Unit 2.5.2	You filed an I-129 petition and you need to change the list of people included or the consulates or Ports of Entry where the beneficiary (ies) will apply for a visa or entry

OVERVIEW

Some I-129 petitions can include multiple beneficiaries. Occasionally, a petitioner or representative needs to replace or delete a beneficiary. This change can only occur on I-129s filed for H-2A, H-2B, P-1, P-2, or P-3 status that are pending a decision at the Service Center.

Sometimes circumstances can change after the I-129 has been filed. This can mean that the beneficiary might be applying for the visa at a different consulate or entering at a port of entry different from the one originally shown on the Form I-129. When this is the case, the Service Center needs to know the new consulate or port of entry that should be notified of the approval.

CSR prompt – It appears you filed an I-129 petition and you need to change the list of beneficiaries or change the consulate or port of entry where the I-129 will be sent. Is that correct?

If yes, continue below
If no, go to "Where to Start"

Note to Representative: Go to SRMT and take an "I-129 change info" service request. Take the customer's name and telephone number (petitioner and, if any, the attorney/accredited representative) so that the Service Center can call the customer back to follow up and get specifics about the requested changes. Ensure the caller is within the "acceptable caller type" before taking a service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
  - **If the service request being created for the legal representative indicates it is a tertiary (third) request or the legal representative feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

- The beneficiary's information on Forms I-129 filed for any other category of nonimmigrant worker other than H-2A, H-2B, P-1, P-2, or P-3 cannot be changed. Therefore, do not take this type of service request for a petitioner who requests a change of beneficiary for an I-129 filed for any category other than H-2A, H-2B, P-1, P-2, or P-3.

- If the case has already been approved, the customer must file Form I-824 in order to make the requested change of consulate or port of entry. If already approved, provide the customer with instructions on how to file Form I-824.

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Chapter 2.5	Our Notice Had a Typographical Error on it or You Need to Change Information on Your Case
Unit 2.5.3	You filed an I-130, Relative Petition, when you were a permanent resident but have since become a U.S. citizen

OVERVIEW

Sometimes a permanent resident will become a naturalized U.S. citizen after filing an I-130 petition for a family member. The naturalization of the petitioner automatically changes the visa category under which the beneficiary of the I-130 would be eligible. In many cases, it may allow a spouse or child to immediately file for permanent resident status or an immigrant visa.

CSR prompt – It appears you filed an I-130 petition while a permanent resident but have since naturalized as a U.S. citizen. Is that correct?

If yes, continue below
If no, go to "Where to Start"

Note to Representative:

- Check Case Status Online using the receipt number provided by the customer. If the customer has a receipt number on-hand but **Case Status Online** does not have automated information, provide the customer with the following statement found in this link.

- If *the I-130 is still pending at the USCIS Service Center*, go to SRMT and take an I-130 upgrade service request for the Service Center where the case is located. Ensure the caller is within the "acceptable caller type" before taking a service request.
  - If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or the legal representative feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
  - If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

Back to: Typo Errors or Need to Change Information on I-129 Pending Cases Main Menu

Chapter 2.6 You Want to Check the Status of Your Case or You Have Other Questions or Concerns about Your Pending Case

What question do you have about your currently pending case?

Note to Representative: Only transfer the call to Tier 2, UNLESS Tier 2 live assistance is unavailable, if the customer has filed one of the following forms and his/her question pertains to one or more of the forms listed below.

- VAWA related Form I-360 and related Forms I-485, I-765, I-601, or I-131;
- T Nonimmigrant Forms I-914/I-914A and related Forms I-485, I-765, I-192, or I-131; **OR**
- U Nonimmigrant Forms I-918/I-918A and related Forms I-485, I-765, I-131, I-192, or I-929.

- I filed a case more than 30 days ago at a Service Center or more than 10 days ago at a Lockbox, but have not received a receipt notice.

(E-filed cases are provided a confirmation receipt notice after submitting payment. It is recommended you print this notice so you can take it with you if you are scheduled for a biometrics appointment and can include a copy as a coversheet if asked to submit any necessary supporting documentation.)

- I have a receipt number from a Service Center but case status online does not have any information about my case, or I want to know where my case has been transferred for processing.
- I filed a Form I-485, I-765, I-821, I-131, I-600, I-600A, I-90, I-751, I-589, or N-400 and have not received a biometrics appointment notice within 30 days after delivery of my receipt notice.
- I filed a Form I-600/I-600A or Form I-800/I-800A for the adoption of a foreign orphan and need to bring an issue to the attention of an adoption officer.
- I have not received a notice that case status online says was mailed to me more than 30 days ago (15 days if RFE).
- I believe my case is outside normal processing time (or pending over 75 days for I-765 and 25 days for asylum based I-765)
- I filed several cases together and received a notice or decision about some, but not others and I am concerned the companion cases may have been separated.
- I want to request the return of original supporting documents that I submitted as part of my application package.
- I believe I have an emergency that may allow my case to be expedited.
- I want information about Premium Processing Cases (I-907).
- I want information about how to withdraw an application or petition.
- I want to request that USCIS ask the FBI to expedite my name check.
- I have questions about the Kaplan Settlement and Expedited Processing for Supplemental Security Income (SSI) Recipients.
- General FAQs about other issues while my case is pending.

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Chapter 2.6	You Want to Check the Status of Your Case or You Have Other Questions or Concerns about Your Pending Case
Unit 2.6.2	You have a receipt number from a Service Center but our automated system or case status online does not have any information about your case, or you want to know where your case has been transferred for processing.

OVERVIEW

The "no automated info" category is for those cases that would normally appear in Case Status Online, but due to an unknown reason, do not. If this happens to a customer, the representative will collect the relevant information so that the problem can be reported to the Help Desk.

CSR prompt – It appears you may have a receipt number from one of our Service Centers but our automated system is not recognizing the number. Is that correct?

If yes, continue below
If no, go to "Where to Start"

Note to Representative:

- Ensure that the customer has a receipt number generated by a Service Center with the appropriate 13 alphanumeric digits.
- Check Case Status Online for the customer using the receipt number provided.
- Did the receipt number work?
  - If **YES:** Inform customer that the system appears to be working and provide customer with the information presented by Case Status Online.
  - If the customer has a receipt number on-hand but **Case Status Online** does not have automated information, provide the customer with the following statement found in this link.
  - If **NO:** Transfer the call to TIER 2, UNLESS Tier 2 live assistance is unavailable.

Also, if the customer wants to know why their case has been transferred or where their case has been transferred for processing ask the customer: Is your pending case a Form I-730?

- If YES: For Information on I-730 transfer notices

- If NO: Tell the customer: Your case was transferred in order for USCIS to increase the efficiency with which we manage cases. If USCIS requests additional information on your case or issues a decision on your case the notice you receive will indicate which USCIS office processed your case.

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Chapter 2.6	You Want to Check the Status of Your Case or You Have Other Questions or Concerns about Your Pending Case
Unit 2.6.3	You filed a Form I-485, I-765, I-821, I-131, I-600, I-600A, I-90, I-751, I-589, or N-400 and have not received a biometrics appointment notice within 30 days after delivery of your receipt notice.

OVERVIEW

When a customer files one of the forms listed above and the case has been pending outside processing time, it may be necessary for a NCSC representative to take a service request in SRMT.

CSR prompt – It appears that you have not yet received a biometrics appointment. Is that correct?

If yes, continue below
If no, go to "Where to Start"

Note to Representative: Select the following link if the ASC appointment notice is related to a DACA Form I-821D or a DACA related Form I-765 and the client has an IOE receipt.

If you haven't yet received an ASC appointment notice, I will need to collect some information from you. Before I do that, I need to confirm how long it has been since you received the receipt notice for your case. Has it been more than 30-days since you received your receipt notice?

- If **YES**: If the customer filed an I-485, I-765, I-821, I-131, I-90, or I-751, go to SRMT and take a "non-delivery of other notice" service request. In the comments block, state: "ASC Notice has not been delivered – more than 30 days after delivery of your receipt notice." If the customer filed an N-400, I-600, I-600A or I-589, take a "non-delivery of other notice" Service request. In the comments block, state: "ONPT. ASC Notice has not been delivered – more than 30 days after delivery of your receipt notice." Ensure the caller is within the "acceptable caller type" before taking a service request.
  - If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or the legal representative feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
  - If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

- If **NO**: Inform the customer to allow at least 30 days from the date he or she received the receipt notice.

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Chapter 2.6	You Want to Check the Status of Your Case or You Have Other Questions or Concerns about Your Pending Case
Unit 2.6.4	You have not received a notice that case status online says we mailed to you more than 30 days ago (15 days if RFE)

OVERVIEW

While a case is pending, USCIS may create notices and mail them to applicants and/or petitioners. Unfortunately, sometimes those notices are not received by the applicant or petitioner or are lost.

CSR prompt – It appears that you have a pending case and we mailed you a notice, but you have not received the notice. Is that correct?

If yes, continue below
If no, go to "Where to Start"

Note to Representative: Select the following link if the RFE is related to a DACA Form I-821D or a DACA related Form I-765 and the client has an IOE receipt.

Does Case Status Online indicate that the notice was mailed to the customer more than 30 days ago (15 days if RFE)? If the customer has a receipt number on-hand but **Case Status Online** does not have automated information, provide the customer with the following statement found in this link.

- **If Yes**: Go to SRMT and take a non-delivery of RFE notice/non-delivery of other notice service request. Be sure to note what was not delivered in the comments block. If the customer lost the RFE notice, please note "lost RFE notice." Ensure the caller is within the "acceptable caller type" before taking a service request. Be sure to remind the customer that the due date for the RFE response will be the same date as the original RFE.
  - If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or the legal representative feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
  - If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

- **If No**: Tell the customer to wait and call back after 30 days (15 days if RFE) have passed from the date shown in case status online, if they still do not receive the notice or document.

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If you filed a DACA Form I-821D or DACA related Form I-765 and you created an ELIS account, you can log into your ELIS account to access the notice or document you are calling about.

If you did not create an ELIS account, please visit https://egov.uscis.gov/cris/contactus and fill out the Electronic Immigration System Online Help Form requesting delivery of the notice or document you are calling about. Please remember to include your full name, A-number, date of birth, and country of birth when completing the Form. You can find your A-Number on your immigrant data summary, USCIS Immigrant Fee handout, or immigrant visa stamp.

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Chapter 2.7	My case has been pending a long time and is either beyond normal processing times or approaching the regulatory time frame.
Unit 2.7.1	You believe your case is outside our normal processing time as indicated by our processing times posted online

OVERVIEW

A customer may call in because he/she believes that the case is taking longer than the processing times posted on the USCIS Web site. If the case is outside of normal processing times, an NCSC representative may be able to assist the customer by taking a service request on the customer's behalf.

CSR prompt – It appears you believe your case is outside our normal processing time. Is that correct?

If yes, continue below
If no, go to "Where to Start"

I understand that you believe your case is outside of normal processing times. I can assist you by verifying what the processing time is for your case. What type of form did you file and where did you file it?

The customer is calling about Form I-821D **or** Form I-765.

Note to Representative: For all other forms check the processing times for the form type and appropriate office provided by the customer. Based on the processing time listed, does the case appear to be outside normal processing times?

- If **YES:** Choose the link for the form filed below.
  - Form I-730
  - **Form I-589 or Form I-881:** Form I-589 is filed at Service Center but is not receipted in CLAIMS and is forwarded to the appropriate asylum office within 30 days after receipt; Form I-881 is filed directly with the Asylum Office. Forms I-881 and I-589 will NOT BE FOUND in Case Status Online. The case is either a Form I-589 or Form I-881.
  - All other types of forms.
- If **NO:** Tell the customer: Your case is still within the normal processing time for this type of case at this specific office. Please allow the amount of time shown in the processing times listed for this form on our website to pass. Once the time your case has been pending exceeds the processing time indicated for your type of case for the office processing your case you may want to consider going to our website and filing an electronic inquiry to notify USCIS your case is outside normal processing time. This option is available 24 hours a day. If this option does not meet your needs you may call the NCSC to speak with a representative during business hours.

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Note to Representative: Only transfer the call to Tier 2, UNLESS Tier 2 live assistance is unavailable, if the customer has filed one of the following forms and his/her question pertains to one or more of the forms listed below.

- VAWA related Form I-360 and related Forms I-485, I-765, I-601, or I-131;
- T Nonimmigrant Forms I-914/I-914A and related Forms I-485, I-765, I-192, or I-131; **OR**
- U Nonimmigrant Forms I-918/I-918A and related Forms I-485, I-765, I-131, I-192, or I-929.

For all other forms Go to SRMT and take an ONPT Service Request. Ensure the caller is within the "acceptable caller type" before taking a service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
  - **If the service request being created for the legal representative indicates it is a tertiary (third) request or the legal representative feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Chapter 2.6	You Want to Check the Status of Your Case or You Have Other Questions or Concerns about Your Pending Case
Unit 2.6.6	You filed several cases together and received a notice or decision about some, but not others and are concerned the companion cases may have been separated

OVERVIEW

Decisions made on certain types of applications and/or petitions are "dependent" upon the decisions made on other applications that were filed before or concurrently. In most of these cases, the "dependent" or "companion" cannot be approved before the "principal" or "main" application or petition. A customer may call and state they have received a decision on a "dependent or companion application" and have not yet received a decision on the principal or main application.

CSR prompt – It appears you filed several cases together and have received a decision on one, or some, but not all of them. Is that correct?

If yes, continue below
If no, go to "Where to Start"

If you have received a decision on a "dependent or companion application" and have not yet received a decision on the principal application, I may be able to take a service request on your case. Please tell me which forms you filed together and whether you have received a decision on those forms.

Note to Representative: Using the chart below, determine whether a file separation service request is applicable. If the customer's situation falls into one of the scenarios below, go to SRMT and take a File Separation service request, with specific comments describing the customer's issue. Ensure the caller is within the "acceptable caller type" before taking a service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
  - **If the service request being created for the legal representative indicates it is a tertiary (third) request or the legal representative feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

Table to determine if a File Separation Service Request is Appropriate is on following page.

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A File Separation Service Request is Appropriate IF:

A customer or family has filed these applications/petitions together...	And the customer has received a decision on this application/petition...	But has not yet received a decision on this principal or companion application/petition
I-140, I-485, I-765	I-485	I-140
Principal I-485 with one Dependent Family member's I-485 filed with it	A Dependent Family member's I-485	Principal's I-485
Principal I-485 with more than one Dependent Family member's I-485 filed with it	Principal's I-485 and at least one dependent's I-485	Other Dependent's I-485
Principal I-129 with Dependent Family members I-539	Dependent Family members I-539	Principal I-129
Principal I-129 (O-1, O-2, P-1, P-2, P-3) with support personnel I-129	The support personnel's I-129	Principal I-129
Spouse I-730 with Dependent I-730(s)	A Dependent's I-730	The Spouse's I-730

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Chapter 2.6	You Want to Check the Status of Your Case or You Have Other Questions or Concerns about Your Pending Case
Unit 2.6.7	You want to request the return of original supporting documents that you sent us as part of your application package

OVERVIEW

Regulations allow customers to submit copies of documents as supporting evidence on most applications and petitions. If an officer determines that it is necessary to see an original document, he/she will make a request to the petitioner or applicant to submit the original document in question. If a document is requested and it is a valid document, USCIS is required to return the document to the applicant or petitioner once a decision is made on the case. Many customers submit originals on their own accord. USCIS is not required to return original documents that are submitted voluntarily by a customer (without an officer having requested them). USCIS usually will not return voluntarily submitted original documents automatically. In the case of voluntarily submitted documents, customers must request that an original document be returned to them.

CSR prompt – It appears you would like to request that we return some original documents you submitted with your application or petition that is now pending with us. Is that correct?

If yes, continue below
If no, go to "Where to Start"

I can help you request the return of your original documents that you submitted with your application or petition. I'll need to collect some information from you first. Has a decision already been issued on your case?

- If **YES:** You may request a return of original documents, but must do so by completing a Form G-884 and following the instructions to that form. You can download the form from our Web site at www.uscis.gov/g-884.

- If **NO:** Go to SRMT and take a "request for original documents" type of service request. Note in comments what documents the customer is requesting be returned. Ensure the caller is within the "acceptable caller type" before taking a service request.
  - If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or the legal representative feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
  - If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Chapter 2.6	You Want to Check the Status of Your Case or You Have Other Questions or Concerns about Your Pending Case
Unit 2.6.8	You believe you have an extreme emergency or circumstance that may allow your case to be expedited

OVERVIEW

Customers may have emergencies or unforeseen circumstances beyond their control, which may affect an application or petition that has already been filed, or is about to be filed. A request for special processing while a case is pending is also known as a request for an expedite. This means that the customer believes he/she has a legitimate need to have the application processed ahead of all the other pending applications because of a compelling, urgent situation that requires immediate and special attention.

CSR prompt – It appears that you would like to request that your case be expedited due to an emergency or unforeseen circumstance, is that correct? Is that correct?

If yes, continue below
If no, go to "Where to Start"

Note to Representative: USCIS does not accept expedite requests for "Consideration of Deferred Action for Childhood Arrivals" cases.

If you are having an emergency or dealing with another urgent circumstance, it may be possible that your case could be expedited. You can make this request. If you do request that your case be processed expeditiously, the burden of proving that you meet the criteria rests on you. The decision to expedite a case is discretionary and made on a case-by-case basis. In order to have your case expedited, you will need to demonstrate that your situation falls into one of the following:

- Severe financial loss to company or individual.
- Extreme emergent situation.
- Humanitarian situation.
- Nonprofit status of requesting organization in furtherance of the cultural and social interests of the United States.
- Department of Defense or National Interest Situation (**Note**: This type of request must come from official U.S. government entity and state that delay will be detrimental to the U.S. government).
- USCIS error.
- Significant and compelling reason such as a medical condition
- Military deployment
- Age-out cases not covered under the *Child Status Protection Act*, and applications affected by sunset provisions such as diversity visas
- Loss of social security benefits or other subsistence

Which of these does your situation fall under?

Note to Representative: Select the appropriate link above.

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Note to Representative:

If the customer **already filed** an application with USCIS and needs it expedited:

Go to SRMT and take an "Expedite" Service Request. When completing a service request, in the "comments field" include: (1) the expedite criteria the customer thinks he/she qualifies under and (2) the specific reason why the customer needs the case expedited, providing as much detail as possible. Don't forget to ensure the caller is within the "acceptable caller type" before taking a service request. Tell the customer: When an expedite service request is created USCIS will make every effort to respond within five (5) days of the date the request was created. However, if you do not receive a response within 5 days, it means your request is taking a little longer to process and it is not necessary to call us again regarding the request. The Service Center, Field Office or National Benefits Center will contact you as soon as possible. The expedite request may be granted solely at the discretion of the Office Director and on a case-by-case basis. Submission of an expedite request, with supporting documentation, does not automatically guarantee approval.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
  - **If the service request being created for the legal representative indicates it is a tertiary (third) request or the legal representative feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

If the customer has **not yet filed** an application with USCIS, but wants expedited processing when it is filed:

Please go to Volume 3, to the "General Information about Filing" section, and provide the customer with the expedite instructions.

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Chapter 2.6	You Want to Check the Status of Your Case or You Have Other Questions or Concerns about Your Pending Case
Unit 2.6.1	You filed a case more than 30 days ago at a Service Center or more than 10 days ago at a Lockbox, but you have not received a receipt notice.

OVERVIEW

When a customer files an application or petition, they should receive a receipt notice within 30 days after filing at a Service Center or 10 days after filing at a Lockbox. If a customer does not receive a receipt notice within this stated time, he/she should call customer service to see if customer service can confirm receipt of the application/petition.

CSR prompt – It appears you may have filed an application or petition at a Service Center more than 30 days ago or at a Lockbox more than 10 days ago, but you still have not received the receipt notice. Is that correct?

If yes, continue below
If no, go to "Where to Start"

Note to Representative:

- If the customer indicates that he/she does have a receipt notice or receipt number, but simply "left it at home" or that "they don't have it with them", etc., tell the customer: Get the notice and call back once they have the receipt number.

- If a customer claims they received a receipt number but lost it, tell the customer: The receipt number is available on the back of their canceled check from the bank or a copy of the paid money order. If the customer indicates they do not have any of these, transfer to Tier 2, UNLESS Tier 2 live assistance is unavailable.

- The customer states that he/she filed a case with a Service Center and he/she does not have a receipt number at all.

- The customer states that he/she filed a case with a Lockbox and he/she does not have a receipt number at all.

Back to: Case Status and Other Questions about a Pending Case Pending Cases Main Menu

QUESTIONS FOR DETERMINING WHETHER A NON-DELIVERY OF RECEIPT NOTICE SERVICE REQUEST IS APPROPRIATE:

1. Have you or your client ever received a receipt notice or receipt number on this case?

If NO: Continue to number **2** below.

If YES: Ask the customer: "Do you still have that notice or receipt number?"

- **If NO:** Tell the customer: Presently, we cannot issue duplicate receipt notices.
- **If YES:** This is NOT A Non-Delivery of Receipt Notice service request, even if the customer only has a receipt number and not a notice. Tell the customer: You may check the status of your case at any time by using case status online or the automated phone system if you have a receipt number, whether or not you actually have the notice. If the customer has a receipt number on-hand but **Case Status Online** does not have automated information, provide the customer with the following statement found in this link.

2. Did you or your client file for Premium Processing Expedited Service (Form I-907)?

NO: Continue to number 3 below.

YES.

3. When did you or your client file this case?

If **LESS THAN** 30-days ago: Please continue to wait for a receipt notice from USCIS, which is normally generated and mailed out to applicants within 30 days of receipt of the application/petition.

If **MORE THAN** 30-days ago: Ask the customer: Have you received a canceled check from the bank or do you have a copy of the paid money order?

- NO
- YES

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QUESTIONS FOR DETERMINING WHETHER A NON-DELIVERY OF RECEIPT NOTICE SERVICE REQUEST IS APPROPRIATE:

1. Have you or your client ever received a receipt notice or receipt number on this case?

If NO: Continue to number **2** below.

If YES: Ask the customer: Do you still have your notice or receipt number?

- **If NO**: Tell the customer: Presently, we cannot issue duplicate receipt notices.
- **If YES:** This is NOT A Non-Delivery of Receipt Notice service request, even if the customer only has a receipt number and not a notice. Tell the customer: You may check the status of your case at any time by using case status online or the automated phone system if you have a receipt number, whether or not you actually have the notice. If the customer has a receipt number on-hand but **Case Status Online** does not have automated information, provide the customer with the following statement found in this link.

2. When did you or your client file this case?

If **LESS THAN** 10-days ago: Please continue to wait for a receipt notice from USCIS, which is normally generated and mailed out to applicants within 10 days of receipt of the application/petition.

If **MORE THAN** 10-days ago: Ask the customer: Have you received a canceled check from the bank or do you have a copy of the paid money order?

- NO
- YES

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Note to Representative: Advise the customer to look on the front and back of the canceled check or copy of the paid money order for the receipt number.

- If a receipt number IS found, then you cannot complete a Non-Delivery of Receipt Notice service request.

- Check case status online using the receipt number just found. If the customer has a receipt number on-hand but **Case Status Online** does not have automated information, provide the customer with the following statement found in this link.

    - If case status online does not indicate a notice has been sent yet, tell the customer that they should expect an ASC notice soon, and if they do not receive it within 30 days after delivery of the receipt notice, to call back and report a Non-Delivery of Other Notice.
    - If case status online indicates a notice was sent less than 30 days ago, tell the customer to expect an ASC notice soon and, if not received by the 30th day, to call back and report a Non-Delivery of Other Notice.
    - Case Status Online indicates a notice was sent more than 30 days ago and customer confirms that the notice was not received.

- If a receipt number is NOT found: Transfer the call to TIER 2, UNLESS Tier 2 live assistance is unavailable.

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Note to Representative:

- Customer is calling about not receiving a receipt notice after filing an I-129 petition, please read the Note below to the customer.
  - Due to the high number of recently filed I-129 petitions with USCIS, customers may experience a longer than usual period of time to receive a receipt notice from USCIS. Usually customers can expect to receive their receipt notice within 30 days of delivery confirmation. However, due to an unexpectedly high volume of I-129 petitions, it may be an additional two to four weeks before customers receive a receipt notice.
  - Customers who do not receive notification of receipt of an I-129 petition within 60 days of their delivery confirmation date may contact the appropriate Service Center via their email address. This is a temporary situation and we apologize for any inconvenience this may cause. **CSR:** Please ask the customer where he/she filed the Form I-129 and provide the appropriate Service Center email address listed below to the customer.
    - California Service Center: csc-ncsc-followup@uscis.dhs.gov
    - Vermont Service Center: vsc.ncscfollowup@uscis.dhs.gov
    - Nebraska Service Center: NSCFollowup.NCSC@uscis.dhs.gov
    - Texas Service Center: tsc.ncscfollowup@uscis.dhs.gov
- All other forms/petitions/application: Transfer call to Tier 2 UNLESS Tier 2 live assistance is unavailable.

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Chapter 2.6	You Want to Check the Status of Your Case or You Have Other Questions or Concerns about Your Pending Case
Unit 2.6.10	You Want Information about How to Withdraw an Application or Petition

OVERVIEW

Sometimes customers reconsider requesting a benefit after they have already filed an application or petition. In these cases, the customer may be able to request that the application or petition be withdrawn but, because this is a procedural matter, no fee refund will be considered or made. A fee is paid to process a case. A withdrawal is considered a procedural matter.

CSR prompt – It appears you have questions about how to withdraw an application or petition. Is that correct?

If yes, continue below
If no, go to "Where to Start"

You can withdraw an application or petition at any time until a decision is issued by USCIS. However, a withdrawal may not be retracted and all fees paid will not be refunded.

If you want to request a withdrawal, you will need to submit the request in writing to the office currently processing the case. You will need to provide a brief reason for the withdrawal, the receipt number, and the alien registration number assigned to the case, if applicable. You should also include any other information you believe will be necessary. Once USCIS reviews the documentation, a notification letter will be mailed to you indicating the case has been withdrawn from processing.

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Chapter 2.6	You Want to Check the Status of Your Case or You Have Other Questions or Concerns about Your Pending Case
Unit 2.6.13	Other Issues While Your Case is Pending (In general and by Form Filed)

Please select the form that is pending from the forms listed below for some FAQs about what happens while your case is pending.

NOTE: FAQs related to forms in shaded areas are under development.

I-90	I-129F	I-131	I-360	I-526	I-589	I-600A I-800A	I-751	I-821	N-400	N-600
I-129	I-130	I-140	I-485	I-539	I-600 I-800	I-730	I-817	I-824	N-565	N-600K

Note to Representative: For information about Representation by Attorneys or Others, please go to Volume 3.

If the customer is calling about tracking the status of a refund request: If a caller indicates that his or her **refund request** case is pending with a Field Office or a Service Center for **more than 60 days**, please go to SRMT and take a "Refund Request - Other" type of service request. In the comments block, state: "Status of a Refund Request." If a caller indicates that his or her refund request case is pending with a Field Office or a Service Center for **less than 60 days**, please inform the customer to allow at least 60 days from the date of filing for the refund to receive a notice regarding his or her request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or the legal representative feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Chapter 2.6	You Want to Check the Status of Your Case or You Have Other Questions or Concerns about Your Pending Case
Unit 2.6.9	Premium Processing Cases (I-907)

OVERVIEW

Premium Processing Service guarantees 15 calendar-days processing of certain employment-based petitions and applications. The 15 calendar day processing period begins when the service receives the Form I-907, with fee, at the designated address contained in the instructions to the form. The service will refund the fee for Premium Processing Service, but continue to process the case unless within the 15 calendar days of receiving the properly filed I-907, USCIS, issues an approval notice or, where appropriate, issues a notice of intent to deny, a request for evidence, or opens an investigation for suspected fraud or misrepresentation on the related petition or application. If an intent to deny or request for evidence is issued within 15 calendar days of receipt or if the case is referred for investigation of suspected fraud or misrepresentation, the processing time has been met. Once a response is received to the notice of intent to deny or request for evidence, USCIS will guarantee 15 calendar days processing from the date the response was received.

CSR prompt – It appears you have questions about Premium Processing Cases. Is that correct?

If yes, continue below
If no, go to "Where to Start"

The Premium Processing Service offered by USCIS guarantees that certain employment-based petitions and applications will be processed within 15 calendar days. If you want to check the status of a pending Form I-907 or concurrently filed Form I-129 and Form I-907, you can call 1-866-315-5718. You can also forward an e-mail inquiry to the USCIS Service Center where the I-907 was filed.

These e-mail addresses are only for issues related to an I-907 Premium Processing Cases:

- Vermont Service Center
  VSC-Premium.Processing@uscis.dhs.gov

- Texas Service Center
  TSC-Premium.Processing@uscis.dhs.gov

- California Service Center
  CSC-Premium.Processing@uscis.dhs.gov

- Nebraska Service Center
  NSC-Premium.Processing@uscis.dhs.gov

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Chapter 2.6	You Want to Check the Status of Your Case or You Have Other Questions or Concerns about Your Pending Case
Unit 2.6.12	Kaplan Settlement - Expedited Processing for Supplemental Security Income (SSI) Recipients.

OVERVIEW

The Kaplan Settlement is a class action settlement, comprising of all non US citizens who are receiving or have received Supplemental Security Income (SSI) and are or will be subject to termination or suspension of SSI, prior to a final decision on their current or future Application to Register Permanent Residence or Adjust Status (Form I-485) or Application for Naturalization (Form N-400) and Oath ceremony to become a US citizen. SSI is a US Government Program, operated by Social Security Administration (SSA). SSI provides monthly financial assistance to low-income individuals who are elderly, disabled or blind. To qualify for SSI, individuals are generally required to be a US citizen or National. Certain categories of qualified aliens, namely Refugees, Asylees, Cuban/Haitian Entrant, Amerasian Immigrants, and certain Aliens whose removal/deportation have been withheld, however, may be eligible for SSI for a limited time. SSI benefits for qualified aliens will be suspended if they do not obtain US citizenship within the time-limitation of 7 years from when they obtained one of the statuses listed above. As a result of the Kaplan settlement, USCIS has taken the initiative to institute procedures for the Expedited Processing of class members' applications.

CSR prompt – It appears you are a current or former Supplemental Security Income (SSI) recipient subject to time-limited SSI eligibility. Is that correct?

If yes, continue below
If no, go to "Where to Start"

If you are a current or former Supplemental Security Income (SSI) recipient subject to time-limited SSI eligibility, I will need to give you some very important information.

You may request the USCIS to expedite the processing of your Application to Register Permanent Residence or Adjust Status (Form I-485) or Application for Naturalization (Form N-400):

- by appearing in person at the local USCIS Field Office;
- by written request included with the filing of the application;
- by mail to the office where the application was filed;
- Or, I can help you over the phone today.

You may request Expedited Processing of your application at any time. However, the expedite will not take effect until your application has been pending for six months. Requests made prior to the passage of six month shall be considered by USCIS once the six month mark is reached without you requesting Expedited Processing. For verification purposes, the Service Center or Field Office may require you to provide them with a copy of the Social Security Administration (SSA) correspondence addressed to you regarding your SSI benefits. As part of the Kaplan settlement USCIS is also taking steps to identify some of the class members who already have had their SSI benefits terminated or will have their SSI benefits terminated within the next year. USCIS will automatically initiate the Expedited Processing of these applications even if the applicant has not requested an expedite.

Note to Representative: The customer's SSI benefit has been terminated or is subject to termination and he/she has a case pending with USCIS.

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Note to Representative: Go to SRMT and take an "SSI Expedite" Service Request. Insert this statement in the Comments field: "Kaplan Settlement (SSI Recipient), expedite request of adjustment of status (I-485) or naturalization application (N-400)." Ensure the caller is within the "acceptable caller type" before taking a service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or the legal representative feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Chapter 2.6	You Want to Check the Status of Your Case or You Have Other Questions or Concerns about Your Pending Case
Unit 2.6.11	Request that USCIS ask the FBI to expedite name check.

OVERVIEW

The FBI name check is an invaluable part of the security screening process, ensuring that our immigration system is not used as a vehicle to harm our nation or its citizens. USCIS also requests an FBI name check to screen out people who seek immigration benefits improperly or fraudulently and ensure that only eligible applicants receive benefits.

CSR prompt – It appears you are interested in requested an expedited FBI name check. Is that correct?

If yes, continue below
If no, go to "Where to Start"

USCIS may only request an expedited FBI name check if the case meets one of the following approved criteria:

1. Military deployment;
2. Age-out cases not covered under the *Child Status Protection Act*, and applications affected by sunset provisions such as diversity visas;
3. Significant and compelling reasons, such as critical medical conditions; and
4. Loss of social security benefits or other subsistence.

Note to Representative: If the customer feels they meet one of the above criteria:

Go to SRMT and take an "Expedite" Service Request. When completing a service request include the expedite criteria the customer thinks they qualify under, in the "comments field. Don't forget to ensure the caller is within the "acceptable caller type" before taking a service request. Tell the customer: When an expedite service request is created USCIS will make every effort to respond within five (5) days of the date the request was created. However, if you do not receive a response within 5 days, it means your request is taking a little longer to process and it is not necessary to call us again regarding the request. The Service Center, Field Office or National Benefits Center will contact you as soon as possible. The expedite request may be granted solely at the discretion of the Office Director and on a case-by-case basis. Submission of an expedite request, with supporting documentation, does not automatically guarantee approval.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
  - **If the service request being created for the legal representative indicates it is a tertiary (third) request or the legal representative feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Chapter 2.6	You Want to Check the Status of Your Case or You Have Other Questions or Concerns about Your Pending Case
Unit 2.6.13	Other Issues While Your Case is Pending (By Form Filed)
Section 2.6.13 – N400	Other Issues While Your N-400 is Pending

FAQS RELATED TO A PENDING N-400

May I travel outside the United States while my N-400 is pending?

Yes, you may travel outside the United States while your N-400 is pending but keep in mind that you'll need to be here to get your biometrics taken and for the interview and hearing.

Please note that no person shall be naturalized, unless such applicant has resided continuously within the United States from the date of the application up to the time of admission to citizenship. If you are traveling outside the United States while your N-400 is pending, please consider the following:

- An absence of 6 months to 1 year normally breaks continuous residence. However, you may be able to prove that it did not interrupt the continuity of your residence, if you include the required information with your N-400, Application for Naturalization. Examples of factors that can demonstrate continuous residence, even though you have had an absence of up to 1 year may include:
  - Your employment in the United States was not terminated while you were abroad or that you did not work while abroad; or
  - Your immediate family remained in the United States; or
  - You kept full access of your house or apartment in the United States the entire time you were out of the country.
- Any absence from the United States for more than one year breaks continuous residence. However, under certain conditions and circumstances, you may be eligible to preserve the continuity of your residence for naturalization purposes by filing a Form N-470.

Should I expect to receive anything when I go to the Application Support Center to get fingerprinted after I file?

You should expect to receive a copy of "Quick Civics Lessons" to help you learn more about U.S. history and government as you prepare to become a U.S. citizen. This educational resource is comprised of short lessons based on each of the sample civics and history questions from the naturalization test. By presenting this content in short paragraphs interspersed with photos and accompanying audio CDs, the Quick Civics Lessons, we hope to make it easier for you to understand this important information. An audio version and a Spanish translation also exist online at our website at www.uscis.gov.

Why was my case transferred to the National Benefits Center?

Your case was transferred in order for USCIS to increase the efficiency with which we manage cases.

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Chapter 2.6	You Want to Check the Status of Your Case or You Have Other Questions or Concerns about Your Pending Case
Unit 2.6.13	Other Issues While Your Case is Pending (By Form Filed)
Section 2.6.13	Other Issues While Your I-600/I-600A or I-800/I-800A is Pending

Has it been more than 10 days since you filed your Form I-600/I-600A or Form I-800/I-800A?

If **YES:** Continue below.
If **NO:** Please allow 10 days to pass from the date you filed your Form I-600/I-600A or I-800/I-800A before calling about the status of these forms.

The processing and adjudication of adoption petitions is one of the top priorities for USCIS. The National Benefits Center has a team dedicated to processing adoption petitions. If you have already filed a Form I-600/I-600A or Form I-800/I-800A and you need to speak with an adoption officer, please call us at 877-424-8374 or please send an e-mail to:

NBC.adoptions@uscis.dhs.gov (non-Hague Orphan adoptions, Forms I-600 and I-600A)

NBC.Hague@uscis.dhs.gov (Hague Convention adoptions, Forms I-800 and I-800A)

The adoption officer will respond to your inquiry within 2 business days.

When sending an e-mail to this address, please provide the:

- petitioner's name;
- petitioner's date of birth;
- petitioner's country of birth;
- receipt number of the Form I-600/I-600A or I-800/I-800A (if any);
- alien registration number (A-number) associated with the case (if any); and
- name of the child to be adopted (if known).

For additional information, please visit www.uscis.gov/adoption.

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Chapter 2.6	You Want to Check the Status of Your Case or You Have Other Questions or Concerns about Your Pending Case
Unit 2.6.13	Other Issues While Your Case is Pending (By Form Filed)
Section 2.6.13	Other Issues While Your I-129F is Pending

I Have Received a Request for Evidence Concerning the International Marriage Brokers Regulation Act of 2005 (IMBRA). Why? What Should I Do?

In an effort to prevent domestic violence and other abuses, Congress has extended such protections by regulating more closely the international marriage broker market, and by requiring the disclosure of violent criminal history, such as domestic abuse, rape, or murder, of which a fiancé (e) may be unaware. USCIS, in order to comply with provisions of the International Marriage Brokers Regulation Act of 2005 (IMBRA), will ask the petitioner to provide data pertaining to a petitioner's criminal history (if any), details on the waiver process for those affected by the new limitations for filing of the I-129Fs, and other evidence.

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In order to ensure customer privacy and security as well as data integrity, we may only take information regarding cases from the following individuals:

- The applicant/petitioner (The person who signed the application or petition in question)
- Authorized Officer or Employee of Petitioning Company or Organization
- A translator (Only if the applicant/petitioner is present)
- An attorney who claims to have a G-28 on file for the petitioner/applicant OR a paralegal from that attorney's office/firm (ask if the attorney has a G-28 on file).
- A Community-Based Organization (CBO) who is representing the applicant/petitioner and who has a G-28 on file (ask if the CBO has a G-28 on file).
- A parent of an applicant/petitioner who is under age 18.
- A legal guardian of an applicant or petitioner.
- An adult caregiver of the applicant or petitioner (Such as a nurse caring for an elderly or disabled person – if the applicant or petitioner is physically able to speak on the phone, his/her presence should at least be confirmed. If physically unable to speak on the phone , continue as if the caregiver were the applicant/petitioner)

Confirm that the caller meets at least one of the above listed requirements before taking a Service Request. If the caller is not within one of the acceptable caller types listed above, we will not be able to take a service request from the caller.

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Chapter 2.8 What is the issue with your Pending Case?

Unit 2.8.1 Approval of Petitions and Applications after the death of a "Qualifying Relative"

OVERVIEW

In the past, generally, only certain widows and widowers of U.S. citizens could continue to seek immigration benefits after the death of their petitioning spouse. INA Sections 204(l) and 213A(f)(5), as amended by Public Law 111-83, permit surviving relatives to continue to seek immigration benefits after the death of a qualifying relative. Surviving relatives covered by the change in the law include, derivative T and U nonimmigrants, Form I-730 refugee/asylee beneficiaries, derivative beneficiaries in employment-based visa petition, and any family-based beneficiaries.

Note to Representative: If the caller has further questions, not covered below, please transfer the call to Tier 2, UNLESS Tier 2 live assistance is unavailable.

- When does the new law apply?
- Who qualifies under the new law?
- Who is considered a "Qualifying Relative"?
- My case was denied before October 28, 2009. What can I do?
- Would I need to file a new Affidavit of Support?

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When does the new law apply?

The new law, which permits certain surviving relatives to continue to seek immigration benefits after the death of a qualifying relative, applies to any immigrant visa petition, refugee/asylee relative petition, as well as any adjustment of status application and related applications adjudicated on or after October 28, 2009, even if the petition or application was filed before that date

Who qualifies under the new law?

You qualify under the new law if you:

1) Resided in the U.S. at the time of the qualifying relative's death;
2) Continue to reside in the U.S. on the date of the decision on the pending petition or application; and
3) You are **one** of the following:

- the principal or derivative beneficiary of a pending or approved preference family-based visa petition;
- any derivative beneficiary of a pending or approved employment-based visa petition;
- the beneficiary of a pending or approved Form I-730, Refugee/Asylee Relative Petition;
- an the beneficiary of a pending or approved immediate relative visa petition;
- alien admitted as a derivative "T" or "U" nonimmigrant; or
- a derivative asylee (spouse or child of the principal asylee).

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Who is considered a "Qualifying Relative"?

USCIS defines a "qualifying relative" to be an individual who, immediately before death, was:

- The petitioner in a family-based immigrant visa petition (a US Citizen or a Lawful Permanent Resident);
- The principal beneficiary in a family-based visa petition (the parent, spouse, sibling or child of a U.S. citizen, or the spouse or unmarried child of a permanent resident);
- The principal beneficiary in an employment-based visa petition;
- The petitioner in a refugee/asylee relative petition;
- The principal alien admitted as a "T" or "U" nonimmigrant; or
- The principal asylee who was granted asylum.

My case was denied before October 28, 2009. What can I do?

USCIS will allow you to file a Form I-290B, Motion to Reopen, for any petition, adjustment application, or waiver application that was denied before October 28, 2009, but would have been approvable under the new law. You would need to submit new evidence in support of the motion to reopen, including proof of the qualifying relative's death and proof that you were residing in the U.S. when the relative died and that you continued to reside in the U.S. Unless you qualify for a fee waiver, you must submit the required fee for the Form I-290B motion. Please refer to Form I-912 instructions and USCIS website for guidance on fee waivers.

Would I need to file a new Affidavit of Support?

Yes, if you are required to have a Form I-864, Affidavit of Support, and the visa petition is approved under the new law, then a substitute sponsor will need to submit a Form I-864. If you are required to have a Form I-864, a substitute sponsor is needed *even if* the deceased petitioner had filed a Form I-864. Please keep in mind that only certain individuals, who are related to the alien in a certain way and meet certain requirements, are qualified to be a substitute sponsor.

Definition of Principal Beneficiary: A principal beneficiary is the person on whose behalf a visa petition is filed.

Definition of Derivative Beneficiary: A derivative beneficiary is the spouse or child of the principal beneficiary.

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Chapter 2.9 My Inquiry is concerning someone in the U.S. Military or a military dependent

OVERVIEW

Active duty military members or family members may call with questions about various immigration services.

CSR prompt – It appears that you are active duty military or a military family member stationed abroad. Is that correct?

If yes, continue below
If no, go to "Where to Start"

What can I help you with today?

- I need information about appointments.
- I have questions about a Request for Evidence (RFE) that I received.
- I have questions about a pending N-400.
- I want information about Forms.
- I need to find the location of a USCIS office.
- I need to locate a Civil Surgeon.
- I need to locate a Panel Physician.
- I am a U.S. citizen - I want information about how to help a family member immigrate to the U.S.
- I am a U.S. citizen - I want information about how to help my fiancé(e) come to the U.S.
- I am a Permanent Resident - I want information about how to help a family member immigrate to the U.S.

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Every military installation should have a designated point-of-contact to handle your Form N-400 application and certify your *Request for Certification of Military or Naval Service (N-426)*. The designated point-of-contact will also assist you while your application for naturalization is pending with us. For questions related to your Naturalization case please, contact your point-of-contact through your chain of command. If you do not know the identity of your point of contact you should inquire through your chain of command to find out who this person is, so they can help you with your application and any questions you may have about your case.

If you have specific questions relating to your N-400 application, please call our Military Helpline at 1-877-CIS-4MIL (1-877-247-4645) and listen to the menu of services available to assist U.S. Armed Forces members and their families. If you are a military member deployed overseas, access your Defense Switched Network (DSN) Domestic Base Operator for assistance. N-400 live assistance is available between 8 a.m. and 4:30 p.m. CST.

Note to Representative: If the customer is requesting additional information about **fingerprints/biometrics for military dependents**, please continue below.

Recent legislation has expanded the scope of naturalization available to military dependents, including permitting certain spouses and children of armed force members or deceased members to naturalize overseas.

These applicants are to be given the same expeditious treatment at the ASC that military employees are currently given. Some of these applicants may be stateside when they file their N-400s and then depart very soon to join the military spouse who is stationed overseas. They may or may not have an appointment notice when arriving at the ASC to be fingerprinted. If the ASC can verify the applicant's identity as a military dependent, either by military identification or by photo identification AND Form DD-1172, the ASC should process the military dependent according to the standard electronic-filing operating procedures, regardless of whether or not an appointment has been scheduled.

There does not need to be an N-400 on file in order to process a military dependent's biometrics. This represents a change from previously-issued guidance. ASC staff may enter an applicant's biometrics into the system as N-400 regardless of whether or not the applicant has yet filed an N-400.

Note to Representative: The customer has not filed an N-400 yet.

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Chapter 2.6	You Want to Check the Status of Your Case or You Have Other Questions or Concerns about Your Pending Case
Unit 2.6.3	You believe your case is outside our normal processing time as indicated in our case status online tool

Asylum Cases outside the processing time

For issues concerning cases pending at an asylum office (Forms I-589 or I-881), you will need to write to the asylum office.

When writing, please include the following information in your letter:

- Your or your client's name as it appears on any documentation issued by USCIS
- Your or your client's current street address
- Your or your client's current mailing address if different than street address
- Your or your client's USCIS account number (A-number)
- Your or your client's date of birth
- Your or your client's country of origin
- Your or your client's telephone number

Do you have the mailing address of the asylum office where your case is pending?

Note to Representative: If the customer does not have the mailing address of the asylum office where their case is pending, please use the Asylum Office Locator to provide them with the mailing address.

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Have you received a transfer notice from the service center processing your case?

- Yes
- No

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Is the beneficiary residing in China?

- Yes
- No

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Beginning April 1, 2014, petitions for beneficiaries residing in China that have not been decided by the service centers will be transferred to the USCIS field offices in Beijing or Guangzhou for final adjudication and travel document processing. You will receive a transfer notice from the Service Center when the petition is transferred that lists the USCIS Field Office your petition is being transferred to and provide the contact information for case inquiries for that office. This transfer notice will stop the processing time for the service center processing your case. Due to custom delays, please allow two months for the petition to arrive to the appropriate USCIS field Office in China. You and the beneficiary will be notified when the field office has received your petition and scheduled an interview.

Have you received a Notice of Receipt and Interview Scheduling from the Beijing or Guangzhou field office?

- Yes
- No

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Has it been six months since the transfer notice was issued?

- Yes
- No

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Has it been two months since the transfer notice was issued?

- Yes
- No

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Please allow up to two months to receive a Notice of Receipt and Interview Scheduling from the Beijing or Guangzhou field office.

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Note to Representative: If it has been six months since the transfer notice was sent, ask the customer, According to the transfer notice, which field office was the case transferred to?

Please provide the petitioner with the following contact information based on the customer's answer or the field office listed below for the beneficiary's province of residence.

For beneficiaries residing in the following Chinese provinces:	Office & Contact Information
Anhui, Chongqing, Fujian, Gansu, Guangdong, Guangxi, Guizhou, Hainan, Henan, Hubei, Hunan, Jiangsu, Jiangxi, Ningxia, Qinghai, Shandong, Shaanxi, Sichuan, Xinjiang, Tibet (Xizang), Xiamen, Yunnan and Zhejiang	USCIS Field Office in Guangzhou – China Contact Information: http://guangzhou.usembassy-china.org.cn/uscis---location-and-contact-information.html
Beijing, Hebei, Heilongjiang, Inner Mongolia, Jilin, Liaoning, Shanghai, Shanxi, and Tianjin	USCIS Field Office in Beijing - China Contact Information: http://beijing.usembassy-china.org.cn/uscis-location-and-contact-information.html

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Please allow up to six months for the adjudication of the petition and travel eligibility processing to be completed.

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For beneficiaries residing in other international locations, the Service Center will mail you a decision and, if the petition is approved, forward your relative's petition to a USCIS Field Office closest to your relative's place of residence or to a U.S. Embassy or consulate if a USCIS does not have an office in that country for travel eligibility processing. The USCIS Field Office, U.S. Embassy, or consulate, will notify your relative regarding the interview and other requirements that must be completed for travel document issuance.

Note to Representative: If it has been six months since the petition was approved, please provide the petitioner with the following contact information based on the field office listed on the transfer notice or the field office listed below for the beneficiary's province of residence.

USCIS International Field Office	Type International Offices in the Search function on www.uscis.gov to obtain contact information for the 25 USCIS offices overseas.
U.S. Embassy or consulate	U.S. Embassy or consulate: Contact information is available at www.travel.state.gov, under How to Contact Us. Attorneys of record can direct inquiries by email to legalnet@state.gov. Petitioners may call Visa Services, Public Inquiries Division at (202) 663-1225.

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Was your or your client's I-765 filed as part of a request for Consideration of Deferred Action for Childhood Arrivals?

- Yes
- No

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Have you or your client received a decision from USCIS granting your request for Consideration of Deferred Action for Childhood Arrivals?

Note to Representative: If the customer filed a renewal request for DACA, answer the question based upon whether the I-821D renewal application was approved.

- Yes
- No

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USCIS usually adjudicates applications for employment authorization (Form I-765) within 90 days. However, for employment authorization applications filed as part of a request for Consideration of Deferred Action for Childhood Arrivals, this 90-day period does not begin until USCIS has determined whether to defer action in your case.

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How long ago did you or your client receive the decision granting your request for Consideration of Deferred Action for Childhood Arrivals?

Note to Representative: Based upon the customer's response, please select the appropriate link below:

- 90 days or less
- More than 90 days

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Your case is still within the normal processing time for this type of case at this specific office.

Processing times are only estimates based upon what is being worked at a given moment in time. Due to a wide variety of reasons, priorities may change which could require certain applications to be worked faster while others are not, or legal reasons that may require specific types of cases to be held.

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Did the DACA applicant previously file a VAWA, T or U case?

Yes

No

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Was Form I-765 filed concurrently with Form I-821D?

Yes

No

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Is the I-821D filed with the I-765 an initial application for DACA or a renewal application for DACA?

Initial application

Renewal application

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Note to Representative: Go to SRMT and take a "Beyond Regulatory Time Frame" (BRTF) service request. Ensure the caller is within the "acceptable caller type" before taking a service request.

- **Please override the default routing as follows:** If the applicant previously filed a VAWA, T or U application, **send this service request to the Vermont Service Center using office code VSC.** Once you create the service request, read the following: Since USCIS has not made a decision on your I-765 within 90 days from the date a decision was made on your request for Consideration of Deferred Action for Childhood Arrivals, I will take some information from you and submit a "Beyond Regulatory Time Frame" service request that I will route to the Vermont Service Center so they can assist you in the resolution of your inquiry.
    - If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Note to Representative: Go to SRMT and take a "Beyond Regulatory Time Frame" (BRTF) service request. Ensure the caller is within the "acceptable caller type" before taking a service request.

- **Please override the default routing as follows:** If the applicant did not file Form I-765 concurrently with Form I-821D (Request for DACA), **send this service request to the Texas Service Center using office code TSC.** Once you create the service request, read the following: Since USCIS has not made a decision on your I-765 within 90 days from the date a decision was made on your request for Consideration of Deferred Action for Childhood Arrivals, I will take some information from you and submit a "Beyond Regulatory Time Frame" service request that I will route to the Texas Service Center so they can assist you in the resolution of your inquiry.
    - If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Note to Representative: Go to SRMT and take a "Beyond Regulatory Time Frame" (BRTF) service. Ensure the caller is within the "acceptable caller type" before taking a service request.

- **Please override the default routing as follows:** If Form I-765 was filed concurrently with a renewal request for DACA, **send this service request to the Nebraska Service Center using office code NSC.** Once you create the service request, read the following: Since USCIS has not made a decision on your I-765 within 90 days from the date a decision was made on your request for Consideration of Deferred Action for Childhood Arrivals, I will take some information from you and submit a "Beyond Regulatory Time Frame" service request that I will route to the Nebraska Service Center so they can assist you in the resolution of your inquiry.
    - If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Note to Representative: Go to SRMT and take a "Beyond Regulatory Time Frame" (BRTF) service request. Ensure the caller is within the "acceptable caller type" before taking a service request.

- If Form I-765 was filed concurrently with an initial request for DACA, **send this service request to the California Service Center using office code CSC.** Once you create the service request, read the following: Since USCIS has not made a decision on your I-765 within 90 days from the date a decision was made on your request for Consideration of Deferred Action for Childhood Arrivals, I will take some information from you and submit a "Beyond Regulatory Time Frame" service request that I will route to the California Service Center so they can assist you in the resolution of your inquiry.
    - If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Was your or your client's request for Consideration of Deferred Action for Childhood Arrivals an initial request or a renewal?

Initial

Renewal

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I will need to verify the USCIS processing time for your application.

Note to Representative: Please check the processing times for the form type and appropriate office provided by the customer and then ask the customer: How long has it been since you filed your initial request for DACA?

Based on the processing time listed, does the case appear to be outside normal processing times?

- Yes
- No

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Your case is still within the normal processing time for this type of case at this specific office.

Processing times are only estimates based upon what is being worked at a given moment in time. Due to a wide variety of reasons, priorities may change which could require certain applications to be worked faster while others are not, or legal reasons that may require specific types of cases to be held.

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Did the DACA applicant previously file a VAWA, T or U application?

Yes
No

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Note to Representative: Go to SRMT and take an "ONPT" service request. Ensure the caller is within the "acceptable caller type" before taking a service request. For an **initial** request for DACA, **please override the default routing by sending this service request to the California Service Center using office code CSC.**

- If the Service Request is being created for the requestor, read the following: I will take some information from you and submit an "ONPT" service request that I will route to the California Service Center so they can assist you in the resolution of your inquiry. Please note that you may be contacted by USCIS for additional information, if necessary.
- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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How long has it been since you or your client submitted your renewal request?

More than 105 days
Less than 105 days

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Please call us back after your renewal request for DACA has been pending for at least 105 days.

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Did the DACA applicant previously file a VAWA, T or U application?

Yes
No

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Note to Representative: Go to SRMT and take an "ONPT" service request. Ensure the caller is within the "acceptable caller type" before taking a service request. If the **renewal** request has been pending for at least **105 days**, **please override the default routing by sending this service request to the Nebraska Service Center using office code NSC.**

- If the Service Request is being created for the requestor, read the following: I will take some information from you and submit an "ONPT" service request that I will route to the Nebraska Service Center so they can assist you in the resolution of your inquiry. Please note that you may be contacted by USCIS for additional information, if necessary.
- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Note to Representative: Go to SRMT and take an "ONPT" service request. Ensure the caller is within the "acceptable caller type" before taking a service request. For an applicant that previously filed a **VAWA, T or U** application, **please override the default routing by sending this service request to the Vermont Service Center using office code VSC.**

- If the Service Request is being created for the requestor, read the following: I will take some information from you and submit an "ONPT" service request that I will route to the Vermont Service Center so they can assist you in the resolution of your inquiry. Please note that you may be contacted by USCIS for additional information, if necessary.
- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Was your/your client's I-765 filed as an H-4 dependent spouse of a principal H-1B nonimmigrant?

- Yes
- No

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Has it been more than 75 days since you/your client received a decision from USCIS granting your/your client's request for H-4 status or an extension of your/your client's H-4 status?

- Yes
- No

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Was your/your client's Form I-765 filed concurrently, with your/your client's request for H-4 status/extension of H-4 status?

- Yes
- No

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Have you/your client received an RFE (Request for Evidence) or NOID (Notice of Intent to Deny) relating to your case?

- YES
- NO

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Have you/your client received an RFE (Request for Evidence) or NOID (Notice of Intent to Deny) relating to your case?

- YES
- NO

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For employment authorization applications filed by an H-4 spouse of certain H-1B nonimmigrants, the time period for adjudicating Form I-765 does not start until USCIS has determined whether you/your client are/is eligible for the underlying H-4 nonimmigrant status. USCIS will take into account not only the date your H-4 was approved but also whether:

1. You were issued an RFE for Initial Evidence, in which case the processing time stops and starts over again from Day 1 when USCIS receives a timely response;
2. You were issued an RFE for Additional Evidence or a NOID, in which case the processing time is suspended and resumes when USCIS receives a timely response;

Continue on next page...

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What is the total processing time elapsed since your H-4 was approved?

- 75 days or less
- Between 75 and 90 days
- Over 90 days

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When measuring the elapsed processing time of your EAD application, USCIS will take into account not only the initial filing date of your Form I-765 but also whether:

1. You were issued an RFE for Initial Evidence, in which case the processing time stops and starts over again from Day 1 when USCIS receives a timely response;
2. You were issued an RFE for Additional Evidence or a NOID, in which case the processing time is suspended and resumes when USCIS receives a timely response;

Continue on next page...

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What is the total processing time elapsed since filing Form I-765?

- 75 days or less
- Between 75 and 90 days
- Over 90 days

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USCIS usually adjudicates applications for employment authorization (Form I-765) within 90 days. However, for employment authorization applications filed by an H-4 spouse of certain H-1B nonimmigrants, the 90-day period for adjudicating Form I-765 does not start until USCIS has determined whether you/your client are/is eligible for the underlying H-4 nonimmigrant status.

You can check for the most up-to-date status of your case online at www.uscis.gov.

If you/your client do/does not receive a decision within 75 days from either (1) the date USCIS receive your/your client's Form I-765, or (2) when your/your client's H-4 status was approved (whichever is later) -- please call us back.

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Note to Representative: Only transfer the call to Tier 2, UNLESS Tier 2 live assistance is unavailable, if the customer has filed one of the following forms and his/her question pertains to one or more of the forms listed below.

- VAWA related Form I-360 and related Forms I-485, I-765, I-601, or I-131;
- T Nonimmigrant Forms I-914/I-914A and related Forms I-485, I-765, I-192, or I-131; **OR**
- U Nonimmigrant Forms I-918/I-918A and related Forms I-485, I-765, I-131, I-192, or I-929.

Have you or your client received an ASC appointment notice to have your biometrics taken?

- YES
- NO

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Your ASC appointment (choose one):

- Is scheduled for a future date and you are planning to go to your scheduled appointment
- Is scheduled for a future date and you would like to re-schedule your appointment
- Has already passed, you went to your appointment, and your biometrics were taken
- Has already passed but you did not go to your appointment

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Has it been more than 30 days since you or your client received your receipt notice?

- YES
- NO

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Have you or your client received an RFE (Request for Evidence) or NOID (Notice of Intent to Deny) relating to your case?

- YES
- NO

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When measuring the elapsed processing time of your EAD application, USCIS will take into account not only the initial filing date of your Form I-765 but also whether:

3. You were issued an RFE for Initial Evidence, in which case the processing time stops and starts over again from Day 1 when USCIS receives a timely response;
4. You were issued an RFE for Additional Evidence or a NOID, in which case the processing time is suspended and resumes when USCIS receives a timely response;
5. You timely requested rescheduling of an interview or ASC appointment for good cause, in which case the processing time stops and starts over again from Day 1 when USCIS receives the request.

What is the total processing time elapsed since filing this case?

- 75 days or less (25 days or less for asylum applicants)
- Between 75 and 90 days (Between 25 and 30 days for asylum applicants)
- Over 90 days (More than 30 days for asylum applicants)

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Was your or your client's I-765 filed as part of an application for Temporary Protected Status (TPS) or Deferred Enforced Departure?

- YES
- NO

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Note to Representative: Go to SRMT and take a "Non-Delivery of Other Notice" service request. Be sure to write in "Has not received ASC Appointment Letter" in the comments section. Ensure the caller is within the "acceptable caller type" before taking a service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or the legal representative feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Please allow 30 days from delivery of your or your client's receipt notice to receive your or your client's Application Support Center appointment notice.

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It is very important that you go to your scheduled appointment. If you miss your appointment, did not request to reschedule, and you have not requested to withdraw your application, your application may be considered as abandoned and may be denied. If you do not make it to your appointment, please call us back at that time for more information about what you may be able to do.

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You are requesting that your ASC appointment be rescheduled. To make this request, you must follow the re-scheduling instructions listed on your ASC appointment notice.

Since you need to reschedule your fingerprint appointment, please be aware that the 90-day period in which USCIS is required to make a decision on this type of case will start over from day 1 if you request rescheduling, whether the request is granted or not. Therefore, please be absolutely sure you want to take this action before doing so.

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I understand that your ASC appointment has passed and you did not or were not able to go. If you did not request that we reschedule your appointment before your scheduled appointment date and you have not requested to withdraw your application, your application may be considered as abandoned and may be denied.

If your biometrics are received before the final decision to deny your case based on abandonment, USCIS may still process your case without denying it. **However, there is no guarantee of this and the responsibility of getting your biometrics taken is yours based on federal regulations.**

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What is the total processing time elapsed since filing this case?

- 75 days or less (25 days or less for asylum applicants)
- Between 75 and 90 days (Between 25 and 30 days for asylum applicants)
- Over 90 days (More than 30 days for asylum applicants)

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What is the total processing time elapsed since filing this case?

- 75 days or less (25 days or less for asylum applicants)
- Between 75 and 90 days (Between 25 and 30 days for asylum applicants)
- Over 90 days (More than 30 days for asylum applicants)

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Your or your client's case is still within the normal processing time for this type of case at this specific office.

If you or your client does not receive a decision within 75 (25 days for asylum applicants) days from the date your or your client's case was received by USCIS, please check case status online at www.uscis.gov for the most up-to-date status of your case. If case status online does not indicate that your case has been decided by the 75th day (25th day for asylum applicants) from when you filed -- please call us back.

The processing time is only an estimate and can change due to a variety of factors.

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Note to Representative: Go to SRMT and take an "Approaching Regulatory Time Frame" (ARTF) service request -- regardless of what the processing time shown in case status online indicates. Ensure the caller is within the "acceptable caller type" before taking a service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or the legal representative feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

Do not take an SRMT referral for F-1 Optional Practical Training (OPT) students who are awaiting the approval of their STEM Program OPT extension. Explain to the F-1 STEM student: If your OPT extension is not approved before your current OPT expires, your employment authorization is automatically extended until a decision is made on the extension request or up to 180 days, whichever comes first.

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Since USCIS has not made a decision on your I-765 within 90 days (30 days for Asylum applicants), I will take some information from you and submit a "Beyond Regulatory Time Frame" service request that I will route to the appropriate service center or the National Benefits Center for review. Please note that you may be contacted by USCIS for additional information, if necessary.

Note to Representative: Go to SRMT and take a "Beyond Regulatory Time Frame" (BRTF) service request -- regardless of what the processing time shown in case status online indicates. Ensure the caller is within the "acceptable caller type" before taking a service request. If a prior "ARTF" request was taken please include that tracking number in the comments section of the "BRTF" request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or the legal representative feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

Do not take an SRMT referral for F-1 OPT students who are awaiting the approval of their STEM Program OPT extension. Explain to the F-1 STEM student: If your OPT extension is not approved before your current OPT expires, your employment authorization is automatically extended until a decision is made on the extension request or up to 180 days, whichever comes first.

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Which TPS-designated country or DED country are you or your client a national of?

- El Salvador **Note to Representative:** EADs were automatically extended through Sept. 9, 2015 for Salvadorans who properly filed for re-registration for TPS. However, as of September 2015, multiple cases are still pending adjudication, meaning these re-registrants have not received a new EAD. On Oct. 5, USCIS began the process to issue interim EADs with a 180-day validity period to TPS El Salvador re-registrants whose cases are pending adjudication. USCIS expects to adjudicate these cases and issue final EADs to eligible beneficiaries by the end of December. The final EAD will have an expiration date of Sept. 9, 2016.
- Honduras
- Guinea
- Haiti
- Liberia (DED and TPS)
- Nepal
- Nicaragua
- Sierra Leone
- Somalia
- South Sudan
- Sudan
- Syria
- Yemen

The Department of Homeland Security (DHS) has published Federal Register notices automatically extending employment authorization documents (EADs) for the beneficiaries of certain countries whose TPS designation has been extended.

Note to Representative: Check EAD automatic extension dates by clicking on the country (for Liberia, select DED or TPS depending on the customer's situation).

If the customer's automatic extension will expire within 30 days or has already expired and he/she has not yet received an EAD: Go to SRMT and create an "Approaching Regulatory Time Frame" (ARTF) Service Request. Notate in the comments block: "TPS – within 30 days of auto extension expiration -- Has not received I-766". Ensure the caller is within the "acceptable caller type" before taking the service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
    - **If the service request being created for the legal representative indicates it is a tertiary (third) request or the legal representative feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

If the customer's automatic extension is NOT within 30 days of expiring, advise the customer to call back if he/she does not receive their EAD within 30 days of the expiration of the automatic extension and we can create a Service Request.

Synopsis of benefits for countries that are currently designated under the TPS or DED Program:

Country:	*Current Expiration:*	*TPS Initial Registration Period:*	*TPS Re-Registration Period:*	*EAD 6-month automatic extension valid through:*
El Salvador	September 9, 2016	March 9, 2001 – September. 9, 2002	January 7, 2015 – March 9, 2015	September 9, 2015 - auto extension after filing for re-registration and visiting ASC, if requested
Guinea	May 21, 2016	November 21, 2014 – August 18, 2015	Not Applicable	Not Applicable
Haiti	July 22, 2017	May 19, 2011 – November 15, 2011	August 25, 2015 – October 26, 2015	July 22, 2016 — auto extension after filing for re-registration and visiting ASC, if requested.
Honduras	July 5, 2016	January 5, 1999 – July 5, 1999	October 16, 2014 – December 15, 2014	July 5, 2015 - auto extension after filing for re-registration and visiting ASC, if requested
Liberia (DED)	September 30, 2016 under DED	Not Applicable	No re-registration period applies. DED valid from October 1, 2014 through September 30, 2016. DED-covered individuals should apply for new EADs.	March 30, 2015 - auto extension under DED for EADs with an expiration date of September 30, 2014. DED-covered individuals should apply for new EADs.
Liberia (TPS)	May 21, 2016	November 21, 2014 – August 18, 2015	Not Applicable	Not Applicable
Nepal	December 24, 2016	June 24, 2015 – December 21, 2015	Not Applicable	Not Applicable
Nicaragua	July 5, 2016	January 5, 1999 – July 5, 1999	October 16, 2014 – December 15, 2014	July 5, 2015 - auto extension after filing for re-registration and visiting ASC, if requested
Sierra Leone	May 21, 2016	November 21, 2014 – August 18, 2015	Not Applicable	Not Applicable
Somalia	March 17, 2017	May 1, 2012 – October 29, 2012	June 1, 2015 – July 31, 2015	No Automatic Extension
South Sudan	May 2, 2016	September 2, 2014 – March 2, 2015	September 2, 2014 – November 3, 2014	May 2, 2015 - auto extension after filing for re-registration and visiting ASC, if requested
Sudan	May 2, 2016	January 9, 2013 – July 8, 2013	September 2, 2014 – November 3, 2014	May 2, 2015 - auto extension after filing for re-registration and visiting ASC, if requested
Syria	September 30, 2016	January 5, 2015 – July 6, 2015	January 5, 2015 – March 5, 2015	September 30, 2015 - auto extension after filing for re-registration and visiting ASC, if requested
Yemen	March 3, 2017	September 3, 2015 – March 1, 2016	Not Applicable	Not Applicable

Note to Representative: There is currently no automatic extension of employment authorization available for **Guinea, Liberia (TPS), Sierra Leone, Nepal, or Yemen**. If the customer is calling these countries, check Case Status Online for the status of their Form I-821. If the I-821 is still pending, Go to SRMT and take an ONPT Service Request. Ensure the caller is within the "acceptable caller type" before taking a service request.

- If a Service Request is being created for a legal representative on behalf of his/her client, read the following: I will be taking some information from you in order to create a service request and submit it to the office working your client's case. If that office is unable to verify in USCIS systems that you have a valid G-28 on file for this specific client and case type, you may be asked to re-submit a signed G-28.
  - **If the service request being created for the legal representative indicates it is a tertiary (third) request or the legal representative feels they have received a nonresponsive answer, override the default routing to send this service request to the Customer Assistance Office using office code CAO.** Once you create the service request, read the following: I am routing this service request to the Customer Assistance Office so they can assist you in the resolution of your inquiry.
- If the legal representative indicates at this time that they do not have a valid G-28 on file, read the following: Since you do not have a Form G-28 on file, we are unable to provide you with any case specific information. You may have your client call for information regarding his or her case. Once you have filed a G-28, you may contact us directly for case specific information on behalf of your client.

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Chapter 2.10 Administrative Site Visit and Verification Program

You have questions about the Administrative Site Visit and Verification Program

OVERVIEW

Administrative Site Visit and Verification Program (ASVVP) inspections verify that certain beneficiaries are performing the duties as indicated on their petition. USCIS Immigration Officers are authorized to perform administrative site inspections.

Prompt – It appears you have a question about the Administrative Site Visit and Verification Program. Is that correct?

If yes, continue below
If no, go to "Where to Start"

- What is the Administrative Site Visit and Verification Program (ASVVP)?
- How are the ASVVP site inspections different from other Fraud Detection and National Security (FDNS) site visits?
- Does USCIS provide advance notice of site inspections conducted under the ASVVP?
- My company was visited by an ASVVP site inspector. Does that mean I am suspected of committing fraud?
- Will USCIS reschedule a site inspection?
- Does USCIS look unfavorably upon a petitioner who declines to participate in the site inspection?
- Under what authority is USCIS conducting administrative inquiries (site inspections/visits/compliance reviews)?
- Do FDNS Immigration Officers receive specialized training in immigration law and conducting site visits?
- Why is participation in ASVVP in my best interests?
- What happens during an ASVVP inspection?

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What is the Administrative Site Visit and Verification Program (ASVVP)?

The ASVVP is designed to supplement existing DHS and USCIS anti-fraud initiatives. As part of the compliance review process, site inspections are conducted to determine:

1. If a location of employment exists; and
2. If a beneficiary is, in fact, employed at the location specified, performing the duties as described, and paid the salary as indicated on the petition.

How are the ASVVP site inspections different from other Fraud Detection and National Security (FDNS) site visits?

Site visits and administrative inquiries are conducted by FDNS Immigration Officers on cases containing elements of suspected fraud and cases in a Benefit Fraud Compliance Assessment. Under ASVVP, randomly selected petitions for compliance review do not contain any elements of known or suspected fraud.

Does USCIS provide advance notice of site inspections conducted under the ASVVP?

No. Site inspections are unannounced.

My company was visited by an ASVVP site inspector. Does that mean I am suspected of committing fraud?

No. Petitions randomly selected by ASVVP for compliance review do not contain elements of known or suspected fraud.

Will USCIS reschedule a site inspection?

ASVVP personnel are instructed not to delay the process or make any unusual accommodations. However, they are instructed to allow employers to contact their counsel if such counsel is immediately available (in person or telephonically).

Does USCIS look unfavorably upon a petitioner who declines to participate in the site inspection?

No. Participation in the Compliance Review process is voluntary and will help facilitate the review. However, it will be documented if a petitioner chooses not to participate. USCIS will review information to determine what, if any, follow-up action would be appropriate.

Under what authority is USCIS conducting administrative inquiries (site inspections/visits/compliance reviews)?

The Secretary of Homeland Security delegated to USCIS the authority to perform a wide range of functions under the immigration laws, including the authority to verify information associated with applications and petitions.

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Do FDNS Immigration Officers receive specialized training in immigration law and conducting site visits?

Yes. New FDNS officers attend a Fraud Officer Basic Training Class and a new training class designed specifically for the Administrative Site Visit and Verification Program.

Why is participation in ASVVP in my best interests?

Effective detection and deterrence of fraud means that an employer can attract and retain the best employees possible, regardless of country of origin, in an orderly and fair manner because no unfair advantage is taken of immigration law by competitors. Fraud perpetrated in an effort to gain immigration benefits also poses a significant and ongoing threat to the national security of the United States.

What happens during an ASVVP inspection?

ASVVP personnel will verify the information submitted with the petition, including supporting documentation submitted by the petitioner, based on a checklist prepared by USCIS. Site inspectors will also verify the existence of a petitioning entity, take digital photos, review documents, and speak with organizational representatives to confirm the beneficiary's work location, employment workspace, hours, salary, and duties

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CSR Transfer Statement:

Due to a high volume of calls, we would be happy to take some information from you and refer your inquiry to a USCIS officer to research and respond.

Note to Representative:

- Go to SRMT and take a service request.
  - The Service Request Type will be based on the Transfer Reason
  - In the comments block, state the specific information that the customer is seeking and a brief reason why he or she needed the call escalated.
  - Ensure the caller is within the "acceptable caller type" before taking the service request.
  - Complete the service request and use the routing override capability to select **WKD** as the office for the service request to route to Tier 2.
  - Provide the customer with the referral ID number
  - Advise the customer that a USCIS officer will research their inquiry and contact them within 3 to 5 business days.

Back to: Main Menu ASVVP FAQs

The fact that you have a receipt notice which informs you of your "case receipt number" assures you that your case has been accepted and is active. If the case has been recently filed it may take longer than normal to view your case information on the USCIS **Case Status Online** feature. There is no negative impact on the processing of your case if the case information is not available online. Until the information is made available online you will not be able to track your case electronically on **Case Status Online**.

Please allow 30-45 days for the most current up to date status on your case to be made available electronically. If the information is not available within this time frame please return the call so that we may investigate the matter further.

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To assist you and your client, I will need to collect some information from you.

Have you or your client received a receipt notice with a receipt number?

- YES
- NO

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Do you have your client's receipt number available now?

- YES
- NO

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What is the receipt number?

Note to Representative:
Check Case Status Online using the receipt number provided by the legal representative. Note the receipt number, status of the case, and the form number filed that is shown in Case Status Online.

Exceptions:

- Information about adoption Forms I-600/I-600A and I-800/I-800A

- Forms I-881 and I-589 will not appear in Case Status Online. These form types are asylum-related applications and do not receive a receipt number. More information about what to do with pending I-589 and I-881 applications.

- Forms I-751 and I-829 receive receipt numbers but are not entered into Case Status Online because they are data entered in a separate system. Check the processing times for the form type and appropriate office provided by the legal representative. Based on the processing time listed, does the case appear to be outside normal processing times?

  - If **YES:** Please transfer the call to Tier 2, UNLESS Tier 2 live assistance is unavailable.

  - If **NO:** Tell the legal representative: The case is still within the normal processing time for this type of case at this specific office. Please allow the amount of time shown in the processing times listed for this form on our website to pass.

Chose the category the status you obtained from Case Status Online falls into:

- No automated information in Case Status Online

- Approved, document produced and mailed (Permanent Resident Card, Employment Authorization Card, or Combo Card) **Note to Representative:** Inform the representative that his/her client can obtain his/her USPS tracking number and delivery information from CSOL. Go to Volume 1 if the legal representative has additional questions. Unit 1.1.4

- Approved. **Note to Representative:** Go to Volume 1 if the legal representative has additional questions. Unit1.2.3

- Review Completed and you will be notified of the decision by mail. **Note to Representative:** Read the legal representative the following: Once you have received the decision in the mail and read the entire document, you may call back if you have questions.

- Pending **Note to Representative:** Only transfer the call to Tier 2, UNLESS Tier 2 live assistance is unavailable, if the customer has filed one of the following forms and his/her question pertains to one or more of the forms listed below.
  - VAWA related Form I-360 and related Forms I-485, I-765, I-601, or I-131;
  - T Nonimmigrant Forms I-914/I-914A and related Forms I-485, I-765, I-192, or I-131; **OR**
  - U Nonimmigrant Forms I-918/I-918A and related Forms I-485, I-765, I-131, I-192, or I-929.

CSR Prompt – It appears that you have questions about filing a form, is that correct?

If yes, continue below
If no, go to "Where to Start"

WHAT INFORMATION ARE YOU SEEKING? (PLEASE CHOOSE ONE BELOW)

Chapter 1	What are the Fees for Filing an Application/Petition? Where Should I File my Application/Petition?
Chapter 2	What are the Current Processing Times?
Chapter 3	What are the Current Priority Dates?
Chapter 4	Information about Form I-693 and a List of Doctors (Civil Surgeons) who can perform Immigration Medical Examinations.
Chapter 5	Information about Filing a Form In-Person or Filing using USCIS Electronic Immigration System (ELIS)
Chapter 6	General Information about Filing and Legal Representation

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Chapter 1 What are the Fees for Filing an Application/Petition? Where Should I File my Application/Petition?

OVERVIEW

Customers should file their applications/petitions according to the specific instructions provided for each particular form. Different USCIS facilities accept different types of applications/petitions, so it is very important that forms are submitted to the proper location. Sometimes, the location for filing a form changes; the USCIS Web site provides the most up-to-date filing instructions.

What are the Fees for Filing an Application/Petition?

Where Should I File My Application/Petition?

Tips for filing an application/petition

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What are the Fees for Filing an Application/Petition?

USCIS fees change periodically; you can check the fees for an application/petition by visiting www.uscis.gov/forms. If you would like, I can look up the current fees for your application or petition.

Note to Representative: From the USCIS Forms webpage, ask the customer which form is being filed, lookup the appropriate form from the list, and then provide the Form Fee next to the appropriate application/petition.

Where Should I File My Application/Petition?

You should follow the instructions for the form you are filing. Occasionally, the filing instructions can change, so you should always check the USCIS Web site before submitting your form; it offers the most current instructions. If you would like, I can look up the current filing location instructions for your application or petition.

Note to Representative: From the USCIS Forms webpage, ask the customer which form is being filed, select the appropriate form from the list, and then provide the information in the "Where to File" section specific to that form type.

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Tips for filing an application/petition

Complete the Form Completely and Accurately

- Use the most current form version.
- When possible, download the form from our website and complete it with a computer.
- If you hand write your answers, use black ink. Make sure your entries are neat, legible, and within the space provided.
- We use special scanners to read your forms and documents. The scanners will not properly read information that is greyed out, highlighted or corrected using correction fluid or tape.
- If you make an error, start over with a clean form.
- Complete the entire form; all forms have required fields (in the newer forms on our website, they are outlined in red). When these fields are left blank, we will return your form for corrections.

Submit Required Documents and Evidence:

- Submit the documents or evidence listed in the form instructions.
- Supporting documents must be in English or accompanied by an English translation.
- Submit copies unless original documents are requested. If you send an original document with your form, it will become part of the record and will not be returned to you automatically.

Check Your Application:

To ensure that your form is accepted for processing:

- Sign the form.
- Pay the correct fee.
- Answer all questions completely and accurately.
- If filing multiple forms, write your name and date of birth EXACTLY the same way on each form.
- Mail the form(s) to the correct address using an approved method of delivery. Forms may be submitted using any form of United States Postal Service delivery or an approved express courier service. Acceptable express courier services include FedEx, DHL and UPS.

Note to Representative: If the caller wants more information, please see Chapter 6.

Back to General Filing Information Ready to File Main Menu

Chapter 2 What are the Current Processing Times?

OVERVIEW

While preparing to file, customers may also inquire about current processing times. This phrase refers to the date that at least one case of that specific form type has moved to active processing by an adjudicator and provides a general benchmark for how long processing will take for a recently filed case. This information is also available on the USCIS Web site.

I understand that you would like the current processing times for a specific form type. I can look up that information for you.

Note to Representative: From the USCIS processing times webpage, ask the customer which office or service center the application/petition was filed at, whether a transfer notice was received, and what form is being inquired about; select the appropriate information from the drop-down list and provide the customer with the current processing times for the appropriate form type.

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Chapter 3 What are the Current Priority Dates?

Please visit the US Department of State website (http://travel.state.gov/content/visas/english/law-and-policy/bulletin.html).

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Chapter 4 Information about Form I-693 and a List of Doctors (Civil Surgeons) who can perform Immigration Medical Examinations.

WHAT INFORMATION ARE YOU SEEKING? (PLEASE CHOOSE ONE BELOW)

General Information about Form I-693

List of Doctors (Civil Surgeons) Who Can Perform Immigration Medical Examinations

Frequently Asked Questions about Form I-693, Vaccinations, and Tuberculosis

Note to Representative: If the caller is a Civil Surgeon or prospective Civil Surgeon and:

- there are questions about immigration benefits, the civil surgeon program in general, or completing Form I-693, please read the following: Civil Surgeons should send the inquiry to USCIS Customer Service and Public Engagement at public.engagement@uscis.dhs.gov.
- there are questions about a completed Form I-693 that is being adjudicated at a USCIS service center (as opposed to a field office), please read the following: Civil Surgeons should send the inquiry to USCIS Service Center Operations at scopsscata@uscis.dhs.gov.
- there are questions about how to perform the immigration medical examination or has other medical-related questions, please read the following: Civil Surgeons should visit the CDC website at http://www.cdc.gov/immigrantrefugeehealth/exams/ti/civil/technical-instructions-civil-surgeons.html for more information and instructions. Civil Surgeons can send medical inquiries directly to CDC at http://www.cdc.gov/info.
- there is a request to update civil surgeon contact information, add an additional office location, or terminate civil surgeon designation, please read the following: Civil Surgeons should send the requested update along with their Civil Surgeon Identification Number (if available) in an email to public.engagement@uscis.dhs.gov.
- there are questions about the status of a civil surgeon application or there is a request to update information provided in a pending application, please ask the following:
  Did you apply using Form I-910, Application for Civil Surgeon Designation?
  - If the answer is YES, then transfer the call to Tier 2, UNLESS Tier 2 live assistance is unavailable.
  - If the answer is NO, then direct the caller to contact their local USCIS office with jurisdiction by going to the USCIS Field Office Locator.
- there are questions about how to apply to become a Civil Surgeon, please refer to the FAQs about How to Apply for Civil Surgeon Designation.

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General Information about Form I-693

If you are adjusting status to Permanent Resident, one of the forms you must submit to USCIS is Form I-693, Report of Medical Examination and Vaccination Record. The form should be completed by a designated Civil Surgeon. The completed form provides USCIS with the results of the medical examination, which is required to establish that an applicant is not inadmissible to the United States on public health grounds.

Form I-693 must be submitted to USCIS within one year from the time it is signed by the Civil Surgeon and the benefit application must be adjudicated within one year of the date Form I-693 is submitted to USCIS. For more specific information about the process, you should visit the USCIS Web site and carefully read the instructions to Form I-693.

Note to Representative: Give the Following Information to Refugees:
If you are a refugee and completed a medical examination overseas, and you are now applying for adjustment of status one year following your first admission, you might only be required to complete the vaccination portion of the exam and Parts 1 and 3 of Form I-693. Please carefully follow the instructions provided for the form.

Note to Representative: Give the Following Information to individuals who are K or V non-immigrants or Asylee dependents:
If you are a K or V non-immigrant and already completed a medical exam overseas, you might only be required to complete the vaccination portion of the exam and Parts 1 and 3 of Form I-693. Please carefully follow the instructions provided for the form.

Note to Representative: FAQs about Form I-693, Vaccinations, and Tuberculosis

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List of Doctors (Civil Surgeons) Who Can Perform Immigration Medical Examinations

I can provide you with information about doctors (Civil Surgeons) who perform immigration medical examinations in your area. This information is also available on the USCIS Web site.

Note to Representative: Use the Civil Surgeon Locator to provide the customer with the appropriate information.

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Frequently Asked Questions about Form I-693, Vaccinations, and Tuberculosis

FAQs about Form I-693

FAQs about Vaccinations

FAQs about Tuberculosis

How to Apply for Civil Surgeon Designation

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FAQs about Form I-693

What edition date of Form I-693 should I use?

When should I schedule my Medical Examination Appointment?

When should I submit Form I-693 to USCIS?

How long is Form I-693 valid?

If I am only required to receive vaccinations, do I still need to submit the entire Form I-693?

Does Part 3 of Form I-693 have to be signed by a physician or can it be signed by immunization staff?

In the vaccination part of Form I-693, does the civil surgeon have to complete both the vaccination table and the results section?

I received an RFE for an updated Form I-693, Report of Medical Examination and Vaccination Record, but I already submitted this form with my Form I-485, Application to Register Permanent Residence or Adjust Status. Do I need to submit another Form I-693?

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What edition date of Form I-693 should I use?

For medical examinations conducted on or after January 1, 2012, the results of the medical examinations must be recorded on the Form I-693 edition dated October 11, 2011, or on the current edition of the form dated January 15, 2013. The edition date can be found on the bottom left-hand corner of the form.

When should I schedule my Medical Examination Appointment?

To ensure the results of the medical examination are still valid at the time USCIS adjudicates the associated benefit application, applicants should schedule the medical examination as close as possible to the time they plan to submit Form I-693 to USCIS. Applicants should, however, also provide sufficient time for the performance of laboratory testing or additional testing required under CDC's Technical Instructions.

When should I submit Form I-693 to USCIS?

If you are applying for adjustment of status, you may submit Form I-693 in the sealed envelope provided by the civil surgeon in one of the following ways:

- Submit Form I-693 by mail, together with your Form I-485, Application to Register for Permanent Residence or Adjust Status, to the location specified for your Form I-485.
- Submit Form I-693 by mail, after filing your Form I-485, to the location specified in your most recent communication with USCIS (for example, a Request for Evidence letter from USCIS).
- Submit Form I-693 in person, at an interview in a USCIS field office (if an interview is required).

Other applicants: Follow the instructions on or included with the application or the instructions given to you by the office requesting the medical examination.

How long is Form I-693 valid?

Form I-693 must be submitted to USCIS within one year from the time it is signed by the Civil Surgeon and the benefit application must be adjudicated within one year of the date Form I-693 is submitted to USCIS.

If I am only required to receive vaccinations, do I still need to submit the entire Form I-693?

If you are not required to undergo the entire medical exam, you need to submit only Parts 1 and 3 and the vaccination report. Pages of the form that do not apply to you may be left blank and/or do not need to be submitted to USCIS.

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Does Part 3 of Form I-693 have to be signed by a physician or can it be signed by immunization staff?

Part 3 must be signed by a physician designated by USCIS as a civil surgeon at the time of the medical examination. For refugees adjusting status, health departments are blanket-designated as civil surgeons to perform the vaccination component of the medical exam. However, the attending physician at the blanket-designated health department must still sign Part 3 of Form I-693 and the physician must meet the professional requirements for a civil surgeon in order to sign. Physicians signing under a blanket-designation may sign using an original or stamped signature. The health department nurse or other health care professional may co-sign the vaccination supplement, but the physician's signature is still required. In addition to the blanket-designated health department physician's signature, the health department must also place its official stamp or raised seal in Part 3 on Form I-693.

In the vaccination part of Form I-693, does the civil surgeon have to complete both the vaccination table and the results section?

USCIS requires the civil surgeon to completely fill out the vaccination table AND the results section. The civil surgeon must note in the vaccination table the complete vaccination history, date(s) of vaccinations given, and any vaccination waiver requests.

I received an RFE for an updated Form I-693, Report of Medical Examination and Vaccination Record, but I already submitted this form with my Form I-485, Application to Register Permanent Residence or Adjust Status. Do I need to submit another Form I-693?

Form I-693 is normally valid for a period of one year. Under certain circumstances, USCIS has previously extended the validity of the form beyond one year. However, this policy is expected to end on May 31, 2014. Therefore, a Form I-693 that was submitted to USCIS over a year ago will no longer be valid after May 31, 2014. USCIS is requesting applicants provide a new, updated Form I-693 if the current Form I-693 associated with their cases is expired or expected to expire on or after June 1, 2014.

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FAQs about Vaccinations

What are the current vaccination requirements?

Is there a waiver available for applicants who cannot afford the vaccinations?

Where can I find additional information on vaccination requirements?

Does USCIS require that all shots in each vaccine series be completed before applying for adjustment of status?

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What are the current vaccination requirements?

Some vaccines are required for certain age groups only. During your examination, the Civil Surgeon will review your vaccination history and will determine what vaccinations are necessary. You can find more information about vaccination requirements by visiting the Center for Disease Control (CDC) Web site at www.cdc.gov/immigrantrefugeehealth/exams/ti/civil/technical-instructions-civil-surgeons.html.

Is there a waiver available for applicants who cannot afford the vaccinations?

There is no fee to file Form I-693; however, you may be required to pay a fee to the Civil Surgeon for the medical examination. USCIS does not regulate the fees charged by Civil Surgeons, so the fees charged by various physicians may vary.

Where can I find additional information on vaccination requirements?

The *Vaccination Technical Instructions* includes detailed information on the vaccination requirements, including a table of required vaccinations by age group. The *Technical Instructions* and any updates to the medical exam requirements can be found at www.cdc.gov/immigrantrefugeehealth/exams/ti/civil/technical-instructions-civil-surgeons.html.

Does USCIS require that all shots in each vaccine series be completed before applying for adjustment of status?

You are only required to have received all the age-appropriate vaccines that could be given *at the time of the medical exam.* If you started a vaccination series, but have not completed all the required shots because the minimum time interval between shots has not yet passed, you can still apply for adjustment of status. However, you must have completed at least the first dose of age-appropriate vaccines before applying.

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FAQs about Tuberculosis

What are the requirements for tuberculosis (TB) testing and treatment?

Are all adjustment of status applicants screened for TB?

Are there any exceptions to the initial TB testing requirement?

What is a Tuberculin Skin Test?

What is the Interferon Gamma Release Assay (IGRA) TB test?

Do I need both the TST and the IGRA test?

Does a civil surgeon have to offer all of the TB screening tests to me?

Who pays for the initial TB test?

What happens if I choose the TST test and it is positive? Can I choose another, alternative test instead of a chest x-ray?

What happens if I choose an IGRA test and the result is indeterminate or borderline/equivocal? Do I need to repeat the IGRA test?

When is a chest x-ray required?

If a chest x-ray is required, does the chest x-ray report need to be submitted with Form I-693?

Will USCIS accept Form I-693 if the civil surgeon performed a chest x-ray without the initial TB test (either TST or IGRA)?

If I am pregnant and I have a positive initial screening result, do I still need a chest x-ray? Will USCIS accept Form I-693 without an x-ray?

What happens if the civil surgeon determines that I have an abnormal chest x-ray suggestive of TB?

I have an abnormal chest x-ray and the local health department determines that I don't have Class A TB. Am I cleared for immigration purposes and can the civil surgeon immediately sign Form I-693 and give it to me in a sealed envelope?

What if my skin test is positive and my chest x-ray is normal?

Where can I find more information about TB and how it affects the completion of Form I-693?

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What are the requirements for tuberculosis (TB) testing and treatment?

Some of the TB testing requirements include:

- Applicants with Class A TB must complete a full course of TB treatment before receiving medical clearance by USCIS for adjustment of status.
- Sputum cultures and drug susceptibility testing for positive cultures are required for applicants with chest x-ray findings suggestive of active TB disease.
- A chest x-ray is required for certain test results. **Note to Representative:** See when a chest x-ray is required.

More information about TB Testing and Treatment can be found in CDC's, *Tuberculosis Technical Instructions*, available online at:. www.cdc.gov/immigrantrefugeehealth/exams/ti/civil/technical-instructions-civil-surgeons.html.

Are all adjustment of status applicants screened for TB?

All applicants for adjustment of status are screened for TB, unless they are under 2-years of age. Children under 2-years of age must be tested if there is evidence of contact with a person known to have tuberculosis (TB) or if there is another reason to suspect TB.

Are there any exceptions to the initial TB testing requirement?

Yes, there are exceptions. Some applicants are not required to undergo the initial TB screening testing with a TST or IGRA. Individuals who may qualify for an exception to the TB testing requirement fall into three categories:

- Applicants providing written documentation (with a health-care provider's signature) of a TST reaction of 5 mm or greater of induration;
- Applicants who have a history of a severe reaction with blistering to a prior TST; or
- Applicants providing written documentation (with a health-care provider's signature) of a prior positive IGRA. If more than one IGRA has previously been performed, the most recent result should be used by the civil surgeon.

If one of these exceptions applies, the civil surgeon is directed to annotate the Form I-693 accordingly and to have the applicant undergo a chest x-ray.

What is a Tuberculin Skin Test?

A Tuberculin Skin Test (TST) is the administration of a tuberculin solution in between the different levels of your skin. After the administration of the test by the civil surgeon's staff, you will need to return to the civil surgeon's office within 48 to 72 hours to have the result read. Generally, if the reaction is 4 mm or less, you will not need any further tests for TB. If the reaction is 5mm or greater, you are required to have a chest x-ray as a means of additional screening for TB.

There are certain exceptions that do not require you to undergo another TST if you had one previously. If possible, you should bring written documentation of any previous TB screening to your appointment with the civil surgeon so that the civil surgeon is able to determine whether you are required to have another one.

What is the Interferon Gamma Release Assay (IGRA) TB test?

To fulfill the requirement of the initial TB testing, civil surgeons may use interferon gamma release assay (IGRA), which is a blood test. During an IGRA test, a blood sample is taken and the blood is used to perform the TB screening. If you are given an IGRA, you will not need to return to the civil surgeon's office to have the test result read. The results of the IGRA test are generally available within 24 hours of your office visit. If the result is negative, you will probably not need any further testing for TB. If the result is positive, you will be required to have a chest x-ray as a means of additional screening for TB.

Do I need both the TST and the IGRA test?

Only one of the tests is required as an initial screening method to determine whether you are infected with TB.

Does a civil surgeon have to offer all of the TB screening tests to me?

No. The civil surgeon is only required to offer one initial testing method.

The ability to perform the IGRA blood tests varies in different parts of the United States. In order to perform the blood tests correctly, the civil surgeon must ensure that the test is timely initiated and processed. The civil surgeon may not have the necessary equipment or a laboratory nearby to perform the test correctly. This may be one of the reasons that a civil surgeon chooses to use the traditional TST as an initial TB testing method.

If the civil surgeon does not offer the test that you prefer, you can try to find a civil surgeon who does.

Who pays for the initial TB test?

You are responsible for paying the appropriate fee for the test. You will have to pay this fee directly to the Civil Surgeon, as agreed upon with the Civil Surgeon. USCIS does not regulate the fees charged by Civil Surgeons, so the fees charged may vary. Prior to the administration of any test, you should ask about the cost.

What happens if I choose the TST test and it is positive? Can I choose another, alternative test instead of a chest x-ray?

No. A civil surgeon may only administer one of the initial TB tests. If that test is positive, a chest x-ray is required.

What happens if I choose an IGRA test and the result is indeterminate or borderline/equivocal? Do I need to repeat the IGRA test?

No. The civil surgeon should treat an indeterminate or borderline/equivocal result as a negative result.

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When is a chest x-ray required?

You will be required to undergo a chest x-ray if one of the following occurs:

- You have TST reaction of 5mm or greater of induration;
- You have a positive IGRA result;
- You were not required to take a TST or IGRA test because you qualified for an exception;
- You have signs or symptoms of TB regardless of the initial testing result; or
- You are immunosuppressed regardless of the initial testing result.

If a chest x-ray is required, does the chest x-ray report need to be submitted with Form I-693?

No. If a chest x-ray is required, the Civil Surgeon does not need to submit the full and formal chest x-ray report to USCIS. CDC's *Tuberculosis Technical Instructions* require that the chest x-ray be interpreted by a radiologist or physician trained in reading chest radiographs for TB and lung diseases. However, the Civil Surgeon should use the resulting report to annotate the chest x-ray results on Form I-693, as appropriate.

Will USCIS accept Form I-693 if the civil surgeon performed a chest x-ray without the initial TB test (either TST or IGRA)?

USCIS will not accept Form I-693 if the Civil Surgeon performed a chest x-ray without the initial TB screening test (either TST or IGRA) and if the Civil Surgeon failed to provide a valid exception to the TST or IGRA initial screening requirement.

If I am pregnant and I have a positive initial screening result, do I still need a chest x-ray? Will USCIS accept Form I-693 without an x-ray?

USCIS will not accept a Form I-693 if it is not properly completed. If you are pregnant (or possibly pregnant) and your initial TB test reveals that you may be infected with TB, you are still required to undergo a chest x-ray. You may choose to defer the chest x-ray until later in pregnancy or after delivery, but the Civil Surgeon cannot sign the medical examination form until the chest x-ray is performed and interpreted and you receive any necessary treatment.

What happens if the civil surgeon determines that I have an abnormal chest x-ray suggestive of TB?

If the chest x-ray suggests that you may have TB, the Civil Surgeon will tell you in detail what steps you have to take. If it is determined that you have active TB (Class A TB), the Civil Surgeon cannot complete your Form I-693 until you receive and complete treatment for TB. Treatment usually takes approximately 6 months.

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I have an abnormal chest x-ray and the local health department determines that I don't have Class A TB. Am I cleared for immigration purposes and can the civil surgeon immediately sign Form I-693 and give it to me in a sealed envelope?

Yes, if you do not have Class A TB and if there are no other medical reasons that would preclude him/her from doing so, the Civil Surgeon can clear you for immigration purposes and sign Form I-693.

What if my skin test is positive and my chest x-ray is normal?

If you are diagnosed with Class B, Latent TB infection, the Civil Surgeon may recommend you go to the health department for further assessment and preventative treatment. However, it is only recommended (not required) that you go and get assessed by the local health department. The Civil Surgeon can still immediately sign Form I-693 and give it to you in a sealed envelope provided that all other aspects of the medical exam are up-to-date, and you can be medically cleared for immigration purposes.

Where can I find more information about TB and how it affects the completion of Form I-693?

If you are interested in more information about TB and how it affects the completion of Form I-693, please see CDC's *Technical Instructions for Civil Surgeons* available online at: www.cdc.gov/immigrantrefugeehealth/exams/ti/civil/technical-instructions-civil-surgeons.html.

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How to Apply for Civil Surgeon Designation

FAQs about How to Apply for Civil Surgeon Designation

Has the application process for Civil Surgeon Designation changed?

How do I apply for Civil Surgeon Designation?

What evidence should I submit with my application for Civil Surgeon Designation?

What are the qualifications for Civil Surgeon Designation?

What are the responsibilities of Designated Civil Surgeons?

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Has the application process for Civil Surgeon Designation changed?

Yes. USCIS has implemented a new process that centralizes the application process at the National Benefits Center (NBC) and requires civil surgeons to file a formal application at a USCIS Lockbox. Previously, civil surgeon designation has been an informal application process at the district or field office with jurisdiction over the prospective civil surgeon's office location.

Centralizing the civil surgeon application process will improve the application intake process; enhance USCIS's ability to manage and track civil surgeon applications; promote consistency and uniformity in USCIS decisions on civil surgeon-related matters; and improve overall efficiency and integrity of the program.

How do I apply for Civil Surgeon Designation?

A physician generally must apply for civil surgeon designation with USCIS by submitting Form I-910, Application for Civil Surgeon Designation. USCIS will only accept and consider complete applications for civil surgeon designation; applications must be submitted in accordance with the form instructions.

A complete application consists of the following:

1. Application for Civil Surgeon Designation
A physician seeking designation as a civil surgeon must complete all required parts of Form I-910, Application for Civil Surgeon Designation.

2. Filing Fee
The physician must include the required filing fee with the completed Application for Civil Surgeon Designation. Applications for civil surgeon designation that do not include the correct filing fee will be rejected.

3. Signature
The physician must sign the application. The signature must be submitted to USCIS on Form I-910, Application for Civil Surgeon Designation. Applications for civil surgeon designation that do not include a signature may be rejected or returned to the physician.

Note: Physicians who qualify under a blanket designation are exempt from the filing and fee requirements. Please see our web page at www.uscis.gov/civilsurgeons for more information about blanket designations.

What evidence should I submit with my application for Civil Surgeon Designation?

The physician must include evidence that shows that he or she meets the eligibility requirements to be designated a civil surgeon. At a minimum, the civil surgeon application should include the following evidence:

- Proof of U.S. citizenship, legal status, or authorization to work in the United States;
- A copy of the physician's current medical license in the state in which he or she seeks to perform immigration medical examinations;
- A copy of the physician's medical degree, and a certified copy of the physician's medical school transcript, verifying he or she is an M.D. or D.O.; and
- Evidence to verify the requisite professional experience, such as letters of employment verification.

What are the qualifications for Civil Surgeon Designation?

Only licensed physicians with at least four years of professional experience may be designated as civil surgeons. USCIS interprets "not less than four years' professional experience" to require four years of professional practice after completion of training. Based on consultations with CDC, USCIS has determined that internships and residencies do not count toward the four-year professional experience because they are both part of a physician's training. Even if one is already licensed as a physician, the four-year period of professional practice only begins when the post-graduate training ends.

Therefore, to be eligible for civil surgeon designation, the physician must meet all of the following requirements:

- Be either a Doctor of Medicine (M.D.) or a Doctor of Osteopathy (D.O.);
- Be licensed to practice medicine without restrictions in the state in which he or she seeks to perform immigration medical examinations; and
- Have the requisite four years of professional experience.

What are the responsibilities of Designated Civil Surgeons?

Civil surgeon designation comes with a number of responsibilities. Physicians who fail to meet their responsibilities as a civil surgeon may have their Civil surgeon designation comes with a number of responsibilities. Physicians who fail to meet their responsibilities as a civil surgeon may have their designation revoked by USCIS.

Civil surgeons' responsibilities include:

- Completing medical examinations according to HHS regulations and CDC requirements, such as the Technical Instructions for the Medical Examination of Aliens in the United States (Technical Instructions) and any updates posted on CDC's website;
- Making referrals for treatment and filing case reports, as required by the Technical Instructions;
- Reporting the results of the immigration medical examination on Form I-693 accurately;
- Informing USCIS of any changes in contact information within 15 days of the change; and
- Refraining from any activity related to the civil surgeon designation and medical examination of immigrants if USCIS revokes the physician's civil surgeon designation. This includes the physician informing his or her patients seeking immigration medical examinations that the physician may no longer complete medical examinations.

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Chapter 5 Information about Filing a Form In-Person or Filing using USCIS Electronic Immigration System (ELIS)

OVERVIEW

In some instances, local offices may accept certain form types for in-person submission. Customers should first verify that the form they want to file may be filed in-person and then they may make an INFOPASS appointment.

Note: Please be aware that USCIS has decommissioned its E-Filing system as of September 30, 2015. If you submitted a case using the E-Filing system, you do not need to take any action. USCIS will adjudicate your case to completion.

WHAT INFORMATION ARE YOU SEEKING? (PLEASE CHOOSE ONE BELOW)

I Want To File a Form In-Person

Questions about using USCIS Electronic Immigration System (ELIS) to pay the Immigrant Fee

Questions about using USCIS Electronic Immigration System (ELIS) for filing an I-90

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I Want To File a Form In-Person

If you want to file a form in-person, you will first need to verify whether the form you want to submit may be filed at a local office. You can locate this information by looking at the form's instructions and by viewing our Office Profiles on www.uscis.gov. The instructions will indicate where the form may be filed and whether the form may be filed in-person; the Office Profiles on our Web site will indicate what forms a particular office accepts in-person. If your form can be filed in person, you may make an INFOPASS appointment by visiting www.infopass.uscis.gov

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Questions about using USCIS Electronic Immigration System (ELIS) to pay the Immigrant Fee

OVERVIEW

The USCIS Electronic Immigration System (ELIS) allows you to submit a form over the internet. If you complete a form in ELIS, USCIS will require you to pay the filing fee through an interactive link to Pay.gov. Once your form has been successfully submitted, you will receive a confirmation receipt number. An advantage of submitting a form using ELIS is the ability to view most of your USCIS communications by simply logging into your ELIS account.

Currently, ELIS accepts the Immigrant Fee payment and Form I-90, Application to Replace Permanent Resident Card. Beginning June 15, 2015, USCIS will no longer accept new electronic filings of Form I-526, Immigrant Petition by Alien Entrepreneur, and Form I-539, Application to Extend/Change Nonimmigrant Status. If Petitioners/Representatives did not submit their draft Form I-526 or Form I-539 by July 14, 2015 they will need to fill out a paper form and submit it by mail.

How should I pay the Immigrant Fee?

When should the Immigrant Fee be paid?

How do I pay my USCIS Immigrant Fee in USCIS Electronic Immigration System (ELIS)?

May I pay for my family member if I have already paid my USCIS Immigrant Fee in USCIS Electronic Immigration System (ELIS)?

Can I pay the USCIS Immigrant Fee for other people or can other people pay my USCIS immigrant fee?

Can I choose where to send my permanent resident card on USCIS Electronic Immigration System (ELIS)?

What forms of payment are allowed in USCIS ELIS through Pay.gov?

Is Pay.gov secure?

Is Pay.gov PCI compliant?

Where do I find the routing number for my financial institution?

How long does it take the USCIS ELIS (through Pay.gov) to access funds at my financial institution?

What is the payment processing schedule for Pay.gov?

How quickly is my ACH payment processed?

How do I know my payment was successful?

How will the transaction appear on my bank or credit card statement?

Note to Representative: For other questions about paying the Immigrant Fee, please refer to the USCIS Immigrant Fee chapters in either Volume 4.2, Services for U.S. Citizens, or Volume 4.3, Services for Permanent Residents.

If the customer would like more information about filing with ELIS, refer them to www.uscis.gov/elis.

I am having a technical difficulty with the USCIS ELIS system

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How should I pay the Immigrant Fee?

Immigrant visa holders applying for admission to the U.S. must pay the USCIS Immigrant Fee by going online at www.uscis.gov/elis and linking to USCIS ELIS to answer some questions and provide their checking account, debit, or credit card information.

Immigrant visa holders must submit payments online after they receive their immigrant visa package from the U.S. Department of State (DOS). DOS will issue the applicant:

- A USCIS handout which will include the immigrant visa holder's Alien number (the letter "A" followed by 8 or 9 numbers) and DOS Case ID number (3 letters followed by 9 or 10 numbers); and
- Instructions on how to submit payment.

Note to Representative: If the immigrant visa holder is a Diversity Visa immigrant, the DOS Case ID number will have 4 numbers followed by 2 letters and 5 more numbers.

Immigrant visa holders should keep a copy of their receipt for their records.

Please visit our Web site at www.uscis.gov/immigrantfee and www.uscis.gov/elis for more information about the fee.

When should the Immigrant Fee be paid?

Payment should be made before traveling to the U.S.

If you are unable to pay the fee before departing for the U.S., you must pay this fee after your arrive in the U.S. If there is no record of payment following your admission to the U.S., USCIS will send you a notice requesting payment.

Please note that you will not receive your permanent resident card until you have paid the USCIS Immigrant Fee.

Failure to pay the USCIS immigrant fee will not affect your status as a lawful permanent resident but you will only have evidence of your lawful permanent status for one year from the date of your admission, as evidenced by the temporary I-551 stamp placed in your passport by CBP at the time of your admission.

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How do I pay my USCIS Immigrant Fee in USCIS Electronic Immigration System (ELIS)?

1) Access USCIS ELIS at www.uscis.gov/elis.
2) Select the "Log in" button.
3) Select "USCIS Immigrant Fee" from the chart. You will need your Alien Registration Number (A-Number) and Department of State (DOS) Case ID.
4) Enter your A-Number and DOS Case ID.
5) Once you have entered your information, select "Add." You will see a record appear in the Immigrant Payee Table.
6) If you would like to add another immigrant to your payment, enter his or her A-Number and DOS Case ID in the spaces provided, then select "Add." Repeat this step for each immigrant you want to add. Each immigrant added will appear in the Immigrant Payee Table.
7) Review the information for each immigrant fee amount included in the USCIS Immigrant Payee Table. Select "Proceed to Pay.gov."
8) You will automatically be directed to Pay.gov.
9) To pay with a U.S. bank account:
    a. Under "Pay Via Bank Account (ACH)," enter the account holder's name, U.S. bank routing number, account number, and check number in the spaces provided.
    b. Select "Continue with ACH Payment."
10) To pay with a credit, debit, or prepaid card (Visa, MasterCard, American Express or Discover):
    a. Under "Pay Via Plastic Card," enter the account holder's name, billing address, card type, card number, security code, and expiration date.
    b. Select "Continue with Plastic Card Payment."
11) On the "Authorize Payment" screen, you can include your email address and the email address of another immigrant you paid for in the "CC" box. If you are paying for more than one immigrant, use a comma to separate their email addresses.
12) Select "Submit Payment."
13) Once your payment is complete, you will be directed to the "Confirmation" page. We recommend that you print a copy of this page for your record.

Back to ELIS - Immigrant Fee Filing in Person and ELIS Ready to File Main Menu

May I pay for my family member if I have already paid my USCIS Immigrant Fee in USCIS Electronic Immigration System (ELIS)?

Yes, you can pay for a family member after you have paid for yourself by taking the following steps:

1) Access USCIS ELIS at www.uscis.gov/elis.
2) Select the "Log in" button.
3) Select "USCIS Immigrant Fee" from the chart. You will need your family member's Alien Registration Number (A-Number) and Department of State (DOS) Case ID.
4) Enter your family member's A-Number and DOS Case ID.
5) Once you have entered your family member's information, select "Add." You will see a record appear in the Immigrant Payee Table.
6) If you would like to add another immigrant to your payment, enter his or her A-Number and DOS Case ID in the spaces provided, then select "Add." Repeat this step for each immigrant you want to add. Each immigrant added will appear in the Immigrant Payee Table.
7) Review the information for each immigrant fee amount included in the USCIS Immigrant Payee Table. Select "Proceed to Pay.gov."
8) You will automatically be directed to Pay.gov.
9) To pay with a U.S. bank account:
    a. Under "Pay Via Bank Account (ACH)," enter the account holder's name, U.S. bank routing number, account number, and check number in the spaces provided.
    b. Select "Continue with ACH Payment."
10) To pay with a credit, debit, or prepaid card (Visa, MasterCard, American Express or Discover):
    a. Under "Pay Via Plastic Card," enter the account holder's name, billing address, card type, card number, security code, and expiration date.
    b. Select "Continue with Plastic Card Payment."
11) On the "Authorize Payment" screen, you can include your email address and the email address of another immigrant you paid for in the "CC" box. If you are paying for more than one immigrant, use a comma to separate their email addresses.
12) Select "Submit Payment."
13) Once your payment is complete, you will be directed to the "Confirmation" page. We recommend that you print a copy of this page for your record.

Can I pay the USCIS Immigrant Fee for other people or can other people pay my USCIS immigrant fee?

Yes, you can pay the fee for someone else and someone else can pay the fee for you. If you pay the fee for someone else, you will need their Alien Number and DOS Case ID. If someone else pay the fee for you, you will need to provide them with your Alien Number and DOS Case ID.

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Can I choose where to send my permanent resident card on USCIS Electronic Immigration System (ELIS)?

No. USCIS will only mail your permanent resident card to the U.S. mailing address you provide to the Department of State at the time of your immigrant visa interview or to the U.S. Customs and Border Protection (CBP) officer when you are admitted to the United States. If you move after you arrive in the U.S. and do not receive your card within 45 days, please update your address with USCIS by visiting www.uscis.gov/addresschange or by calling us back.

What forms of payment are allowed in USCIS ELIS through Pay.gov?

Pay.gov accepts payments from checking and savings accounts, debit cards processed through Visa or Master Card, as well as Visa, MasterCard, American Express and Discover credit cards.

Is Pay.gov secure?

Yes. Pay.gov uses 128-bit SSL encryption to protect your transaction information while you're logged in to Pay.gov. In addition, any account numbers you set up in your Pay.gov profile are encrypted before being stored in their database.

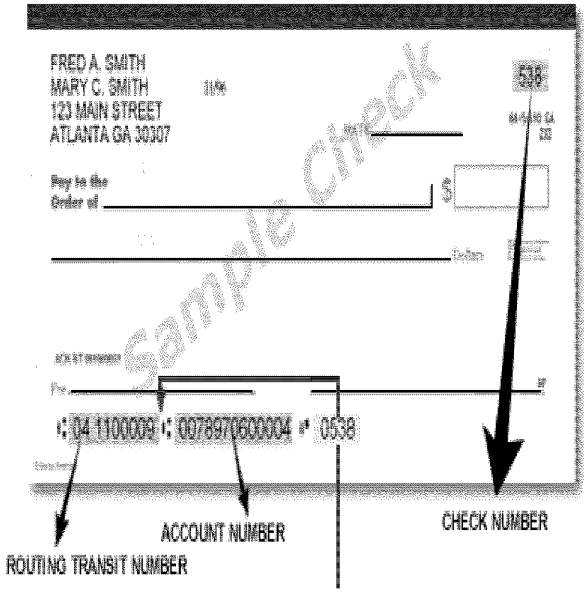
Is Pay.gov PCI compliant?

Yes. Pay.gov has been added to Visa's Global List of Payment Card Industry Data Security Standard (PCI DSS) Validated Service Providers.

Back to ELIS - Immigrant Fee Filing in Person and ELIS Ready to File Main Menu

Where do I find the routing number for my financial institution?

The routing number is a nine-digit number that is typically located on the bottom of your checks. If you cannot find the routing number on the bottom of your check, or if you do not have a checkbook associated with your account, contact your financial institution.



Your checking account number should NOT include the 4-digit check number that sometimes appears on your check either before or after the checking account number.

How long does it take the USCIS ELIS (through Pay.gov) to access funds at my financial institution?

Funds should be withdrawn from your account by Pay.gov within 24 to 48 hours of payment submission.

What is the payment processing schedule for Pay.gov?

The Pay.gov site is available 24 hours a day, 7 days a week (holidays included) for users to submit payments. Credit card payments will be processed the next business day as applicable.

How quickly is my ACH payment processed?

ACH payments submitted by 8:55 PM Eastern Standard Time will be reflected in your account the following business day.

Back to ELIS - Immigrant Fee Filing in Person and ELIS Ready to File Main Menu

How do I know my payment was successful?

At the end of submitting your payment, you will see a "Confirmation Screen." You may want to print this information for your records. An electronic receipt will be sent to the e-mail provided.

How will the transaction appear on my bank or credit card statement?

Pay.gov transactions will usually appear with the description "PAYMENT" and text indicating which government agency you made the payment to, such as an abbreviated form of the agency name. If you're not sure what a particular payment is, the first point of contact should be your financial institution. They can help identify the payment history.

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Questions about using USCIS Electronic Immigration System (ELIS) for filing an I-90

I Have Questions about Filing with USCIS ELIS

I Have Questions about making my payment using Pay.gov

How Do I Use the Features in USCIS ELIS?

I am an Attorney/Accredited Representative and Have Questions about Filing an I-90 on Behalf of my Client Using USCIS ELIS?

Note to Representative:

If the customer would like more information about filing with ELIS, refer them to www.uscis.gov/elis.

I am having a technical difficulty with the USCIS ELIS system

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I Have Questions about Filing with USCIS ELIS

How do I get started using ELIS/How do I create an account in ELIS?

Do I need a printer or scanner available when I am filing using USCIS ELIS?

What do I do if I need more information for a specific form?

What do I do if I need to exit USCIS ELIS mid-way through inputting information in my form?

How much time do I have to start completing my form once I create an USCIS ELIS account?

How much time do I have to submit my form once I start completing it?

How can I check the status of my form submitted in USCIS ELIS?

I thought I submitted my form, but it does not show up when I enter it into the "Check My Case Status" webpage. How can I verify that it was submitted?

Do all the fields need to be completed?

Can I use USCIS ELIS to apply and then mail the supporting documents?

Someone else prepared the electronic Form I-90 for me, does he/she have to do sign anything?

A translator interpreted the electronic Form I-90 for me, does he/she have to do sign anything?

Back to ELIS I-90 Filing in Person and ELIS Ready to File Main Menu

How do I get started using ELIS/How do I create an account in ELIS?

You can start by going to https://myaccount.uscis.dhs.gov/. You can also access USCIS ELIS through our Forms page at www.uscis.gov/forms.

On the main page, in the **Create a NEW account** section, click "Create a NEW account" and follow the steps.

Do I need a printer or scanner available when I am filing using USCIS ELIS?

A printer is not required for filing. The ability to scan your supporting documents into an electronic format will be required in order to be able to upload them into USCIS ELIS. You will not be required to have the scanner available at the time of filing as long as your documents are already in electronic format.

What do I do if I need more information for a specific form?

If you need more information about a particular form, please go to www.uscis.gov and select the "Forms" link.

What do I do if I need to exit USCIS ELIS mid-way through inputting information in my form?

If you need to exit USCIS ELIS in the middle of inputting information into your form, your form will be saved in a draft format. To ensure that the information you are inputting is captured, save your entries often and between pages. The working format of your application will be available for 30 days after you begin inputting your data via your USCIS ELIS account until you submit and electronically sign the form.

How much time do I have to start completing my form once I create an USCIS ELIS account?

You must begin completing your initial form within 30 days of creating your USCIS ELIS account, or USCIS ELIS will delete your account. If your account is deleted, you will be required to create a new USCIS ELIS account to start the process from the beginning.

How much time do I have to submit my form once I start completing it?

You must submit your completed form within 30 days of starting it, or USCIS ELIS will delete your draft data.

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How can I check the status of my form submitted in USCIS ELIS?

When your form is accepted by USCIS ELIS, you will be provided with a receipt number. To check the status of a form submitted in USCIS ELIS, you may log into your USCIS ELIS account at anytime immediately upon submitting the form. You may set up your communication perferences on your profile page once you have submitted your first benefit application.

You may also go to our Web site at www.uscis.gov and select the "Check My Case Status" link. You will need to enter your receipt number to check the status of your form. You should wait at least 3 business days after filing the form before checking your case status online as it may take some time before showing up in the system.

If you are experiencing difficulty checking the status of a form you submitted using USCIS ELIS, you may submit an inquiry to receive assistance at https://egov.uscis.gov/cris/contactus.

Note to Representative: Do NOT transfer the call to ELIS Technical Support.

Do NOT advise the customer to re-file his/her form if the USCIS ELIS Receipt Number does not appear in Case Status Online. You may check Case Status Online for the customer using the receipt number provided.

- If the receipt number works provide the information displayed in Case Status Online.
- If Case Status Online does not have automated information, provide the customer with the following statement found in this link

I thought I submitted my form, but it does not show up when I enter it into the "Check My Case Status" webpage. How can I verify that it was submitted?

When your form is accepted by USCIS ELIS, you will be provided with a receipt number. To check the status of a form submitted in USCIS ELIS, you may log into your USCIS ELIS account at anytime immediately upon submitting the form. A copy of your receipt notice will be posted to your USCIS ELIS account.
If you are checking the status of a form using Case Status Online, please wait at least 3 business days after filing the form before checking your case status online as it may take some time before showing up in the system.

If you are experiencing difficulty checking the status of a form you submitted using USCIS ELIS, you may submit an inquiry to receive assistance at https://egov.uscis.gov/cris/contactus.

Note to Representative: Do NOT transfer the call to ELIS Technical Support.

Do NOT advise the customer to re-file his/her form if the USCIS ELIS Receipt Number does not appear in Case Status Online. You may check Case Status Online for the customer using the receipt number provided.

- If the receipt number works provide the information displayed in Case Status Online.
- If Case Status Online does not have automated information, provide the customer with the following statement found in this link.

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Do all the fields need to be completed?

Complete all applicable fields presented in USCIS ELIS. Some fields in USCIS ELIS are not marked as "Required" but the information may be needed to properly adjudicate the benefit request. If fields are left blank, a Request for Evidence (RFE) may need to be sent that could delay the decision.

Can I use USCIS ELIS to apply and then mail the supporting documents?

If you use USCIS ELIS to apply for a benefit, we recommend that you scan and upload the required supporting documents. If you mail supporting documents to USCIS for an application filed electronically in USCIS ELIS, it may delay the processing of your case.

Someone else prepared the electronic Form I-90 for me, does he/she have to do sign anything?

If your attorney prepared the electronic Form I-90 for you, he/she will need to complete an electronic Form G-28, which will have to be e-signed by you and your attorney.

If the person who prepared the electronic Form I-90 for you is not an attorney, the preparer will need to sign a certification. On the electronic Form I-90, when you reach the "Preparer" section, check the "Yes" box stating that someone else prepared the form for you. You will need to enter in the preparer's information. Provide the preparer's information then click on the "Print PDF for signature" tab at the bottom of the screen. Your preparer must sign and date the PDF and return it to you. You will then need to scan and upload the signed page in the "Evidence Upload" section.

A translator interpreted the electronic Form I-90 for me, does he/she have to do sign anything?

If an interpreter assisted you in completing the electronic Form I-90, the interpreter will need to sign a certification. On the electronic Form I-90, when you reach the "Interpreter" section, check the "Yes" box stating that someone interpreted the questions on the form for you. You will need to enter in the interpreter's information. Provide the interpreter's information then click on the "Print PDF for Signature" tab at the bottom of the screen. Your interpreter must sign and date the PDF, and return it to you. You will then need to scan the signed page and upload it into the "Evidence Upload" section.

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I Have Questions about making my payment using Pay.gov

What forms of payment are allowed in USCIS ELIS through Pay.gov?

Is Pay.gov secure?

Is Pay.gov PCI compliant?

Where do I find the routing number for my financial institution?

How long does it take the USCIS ELIS (through Pay.gov) to access funds at my financial institution?

What is the payment-processing schedule for Pay.gov?

How quickly is my ACH payment processed?

How do I know my payment was successful?

How will the transaction appear on my bank or credit card statement?

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What forms of payment are allowed in USCIS ELIS through Pay.gov?

Pay.gov accepts payments from checking and savings accounts, debit cards processed through Visa or Master Card, as well as Visa, MasterCard, American Express and Discover credit cards.

Is Pay.gov secure?

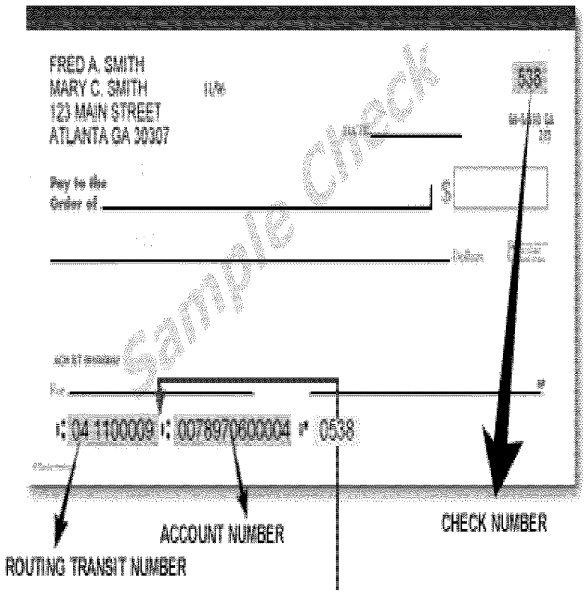
Yes. Pay.gov uses 128-bit SSL encryption to protect your transaction information while you're logged in to Pay.gov. In addition, any account numbers you set up in your Pay.gov profile are encrypted before being stored in their database.

Is Pay.gov PCI compliant?

Yes. Pay.gov has been added to Visa's Global List of Payment Card Industry Data Security Standard (PCI DSS) Validated Service Providers.

Where do I find the routing number for my financial institution?

The routing number is a nine-digit number that is typically located on the bottom of your checks. If you cannot find the routing number on the bottom of your check, or if you do not have a checkbook associated with your account, contact your financial institution.



Your checking account number should NOT include the 4-digit check number that sometimes appears on your check either before or after the checking account number.

How long does it take the USCIS ELIS (through Pay.gov) to access funds at my financial institution?

Funds should be withdrawn from your account by Pay.gov within 24 to 48 hours of payment submission.

What is the payment-processing schedule for Pay.gov?

The Pay.gov site is available 24 hours a day, 7 days a week (holidays included) for users to submit payments. Credit card payments will be processed the next business day as applicable.

How quickly is my ACH payment processed?

ACH payments submitted by 8:55 PM Eastern Standard Time will be reflected in your account the following business day.

How do I know my payment was successful?

At the end of submitting your payment, you will see a "Submission Confirmation Screen" which will display the "Receipt Number", the "Benefit Request Type" and "Benefit Snapshot". You may want to print this information for your records. The payment confirmation will be sent to the e-mail provided.

How will the transaction appear on my bank or credit card statement?

Pay.gov transactions will usually appear with the description "PAYMENT" and text indicating which government agency you made the payment to, such as an abbreviated form of the agency name. If you're not sure what a particular payment is, the first point of contact should be your financial institution. They can help identify the payment history.

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How Do I Use the Features in USCIS ELIS?

How Do I Log Into My USCIS ELIS Account?

How Do I Upload Evidence?

How Do I Review and E-sign?

How Do I Reset the Password On My USCIS ELIS Account?

How Do I Update a Current Password On My USCIS ELIS Account?

How Do I Change Password Reset Questions and Answers?

How Do I Submit a G-28 as the Attorney of Record After My Client Has Submitted a Benefit Request Using USCIS ELIS?

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How Do I Log Into My USCIS ELIS Account?

In order to log into a USCIS ELIS account you will need to access https://myaccount.uscis.dhs.gov/.

Choose the secure log in prompt

- Enter your USCIS ELIS User ID, which is the email address you provided when you set up the account.
- Enter your password for your USCIS ELIS account.

How Do I Upload Evidence?

In order to upload documentation required as evidence into the USCIS ELIS system, you must log into your USCIS ELIS account. Continue the draft case and select "Continue to Upload Evidence" until you reach the "Manage Evidence" page. Select "Add Document" and upload your scanned document into the corresponding evidence category.

How Do I Review and E-sign?

When you are ready to finalize your application within the USCIS ELIS system, select the appropriate check box to indicate that you have read and agree to the terms of the E-Signature Attestation and USCIS Privacy Act Statement. You will need to enter your full name (first name, middle name, last name) to submit the application with an E-Signature.

How Do I Reset the Password On My USCIS ELIS Account?

In order to reset your password you will need to go to the USCIS ELIS login page and request a password change. The system will send an email to the email address you provided when you set up your USCIS ELIS account with instructions and a link to the Password Reset page. You will then be prompted to answer 3 randomly selected questions from the set of questions that you answered when creating your account. If the user is able to answer the questions successfully, the system will then prompt you for your new password.

If you are unable to answer the questions successfully, you will have up to two (2) more times to try to successfully answer questions that you answered when creating your account. If you are still unable to answer the questions, you will no longer be allowed to reset your password and must contact the USCIS National Help Desk at 800-375-5283 or 800-767-1833(TDD) to request a manual password reset.

How Do I Update a Current Password On My USCIS ELIS Account?

If you are not locked out but you simply wish to change your password, you should go to the USCIS ELIS **Log In** page and log into your USCIS ELIS account, which will take you to the "Home" tab. Under the "Home" tab, find the "Actions" option and select "View/Edit Profile," then follow the instructions

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How Do I Change Password Reset Questions and Answers?

If you are not locked out but you simply wish to change your password reset questions and answers, you should go to the USCIS ELIS **Log In** page and log into your USCIS ELIS account where you will see "My Profile." You will see an option to update password reset questions. Click on that and follow the instructions.

How Do I Submit a G-28 as the Attorney of Record After My Client Has Submitted a Benefit Request Using USCIS ELIS?

Attorneys/Representatives will have to file via paper to represent their clients on the I-90. They will not be able to file a Form I-90 in USCIS ELIS until later.

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I am an Attorney/Accredited Representative and Have Questions about Filing an I-90 on Behalf of my Client Using USCIS ELIS?

How do I create a USCIS ELIS account as an Attorney/Accredited Representative?

How do I draft an electronic G-28 for a client?

How do I draft an electronic Form I-90 for a client?

What is the process for the client to enter the passcode and link what I created to his/her account?

How do I pay the fee on behalf of my client?

How do I make corrections to the G-28 or I-90 if the client declines to E-sign?

My client had a translator/interpreter for the Form I-90, how do I submit the certification?

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How do I create a USCIS ELIS account as an Attorney/Accredited Representative?

To create an account in USCIS ELIS as an Attorney or Accredited Representative you need to complete the following steps:

1. Go to the "Profile" tab to create your profile account;
    a. Enter your name
    b. Enter your contact information
    c. Select whether you are an Attorney or an Accredited Representative
        i. You will be provided the appropriate eligibility screen based on your selection
    d. Complete the eligibility screen provided
    e. Complete your mailing address
        i. After completing your mailing address, you will be provided an option to select the USPS standardized address or the address as you entered it
2. Review the "Account Creation" snapshot
    a. If you find any errors, you will need to go back and correct them on the appropriate intake screen
    b. If everything is correct, you will need to E-sign

How do I draft an electronic G-28 for a client?

To create an electronic G-28 between you and your client you need to complete the following steps:

1. Go to the "Home" tab and select "Create a New Case"
    a. Select "Application to Replace Permanent Resident Card (I-90)
2. The G-28 will appear prepopulated with the information that you provided in your profile
3. Enter the information about the applicant
    a. After completing the applicant's mailing address, you will be provided an option to select the USPS standardized address or the address as you entered it
4. Complete the additional representative information section, if appropriate

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How do I draft an electronic Form I-90 for a client?

To create an electronic I-90 for your client you will need to complete the following steps after you have completed the creation of the electronic G-28:

1. Once the G-28 is completed you should be taken to the "I-90 screen"
2. You will need to complete the applicant's status and his/her reason for filing the I-90
3. The I-90 will prepopulate with information about your client that you entered into the electronic G-28
4. You will need to complete certain identity and biographic information about the applicant and answer a few processing questions
5. Select whether or not the applicant is requesting an accommodation because of his/her disabilities and/or impairments
6. Complete the preparer section, if appropriate
7. Check the interpreter box if somebody else interpreted the instructions and questions for the applicant
8. On the next screen, you are able to scan and upload any necessary evidence/documentation. You can only upload:
    a. Five files at a time
    b. Files with a maximum size of 6 MB
    c. Files in a proper file format (jpeg, jpg,pdf, tiff, tif)
9. Review the G-28 snapshot and E-sign if correct
10. Review this I-90 snapshot including the ASC Acknowledgement and E-sign if correct
11. You should now receive a confirmation and a Case Passcode to provide to your client so that your client can review the draft G-28 and I-90

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What is the process for the client to enter the passcode and link what I created to his/her account?

Notify your client of the "Case Passcode" assigned to the case you created.

1. The client needs to log into ELIS and go to the "Home" tab. Under the "Home" tab select "Review and E-sign the Request Drafted by Your Legal Representative"
2. The client inputs the "Case Passcode" creating the link between the representative's draft and the client's account
3. The case will display under the recent cases and the client should select "Review Draft"
4. Review the G-28 snapshot, chooses to accept and E-sign or to decline to E-sign
    a. If the client accepts and E-sign
        i. The client will need to complete the "Consent to Representation and Release of Information" which includes his/her mailing preferences
        ii. Once completed he/she will receive a confirmation
    b. If the client declines to E-sign he/she will receive a confirmation of this decision
        i. The case will be returned to his/her representative as a draft case and the client should notify the representative of the reason(s) he/she declined to E-sign
5. If the client accepts and E-sign he/she should select "Click to review your application" on the confirmation page
6. Client reviews the I-90 snapshot including the Acknowledgement and chooses whether to accept and E-sign or to decline to E-sign
    a. If the client accepts and E-sign, he/she will receive a confirmation of acceptance
        i. If a fee is required, the client should notify his/her representative that he/she has completed the E-sign process so that the representative may go into the system and pay the required fees
        ii. If no fee is required the case will be submitted
        iii. Once the required payment is submitted or if no payment is required, you will be able to go to the "Home" tab and see the receipt number
    b. If client declines to E-sign he/she will receive a confirmation of this decision
        i. The case will be returned to his/her representative as a draft case and the client should notify the representative of the reason(s) he/she declined to E-sign

How do I pay the fee on behalf of my client?

Once your client accepts and E-signs the G-28 and the I-90, the case will be available for the attorney/representative to submit payment of all required fees, as appropriate.

1. Go to the "Home" tab and select "Make Payment" next to the appropriate case in "Recent Draft Cases"
2. Once you successfully submit the payment, you should receive a confirmation
3. Under the "Home" tab, and you should see that the case has moved from "Recent Draft Cases" to "Recent Submitted Cases." You can also see the receipt number

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How do I make corrections to the G-28 or I-90 if the client declines to E-sign?

If the client declines to E-sign, the case will be returned to you as a draft and you will be able to make required updates. You will need to complete the G-28 and the I-90 screenshot review and E-sign process again. A new "Case Passcode" will be generated and your client will also need to complete the screenshot review and E-sign process again.

My client had a translator/interpreter for the Form I-90, how do I submit the certification?

To submit an Interpreter's Certification, you will need to complete the following steps:

- Complete the electronic Form G-28;
- Complete the electronic Form I-90 until you reach the "Interpreter" section;
- Once you reach the "Interpreter" section, check the "Yes" box stating that someone interpreted the questions on the form for your client;
- Enter in the interpreter's information;
- Once you are done entering in the information for the interpreter, click on the "Print PDF for Signature" tab at the bottom of the screen;
- Have your client's interpreter sign, date the PDF, and return it to you;
- Scan the signed page and upload it into the "Evidence Upload" section.

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Chapter 6 General Information about Filing and Legal Representation

OVERVIEW

Customers often have questions about completing or filing forms. While representatives cannot tell customers what to put on an application or petition, representatives can provide general guidance and clarification to help customers understand what is required during the filing process.

WHAT INFORMATION ARE YOU SEEKING? (PLEASE CHOOSE ONE BELOW)

I would like information about filling out or completing a form.

I would like information about legal representation.

I would like information about what evidence I have to submit.

I would like to know the specifications for photos

I would like information about paying the filing fee

I would like information about how applications are processed.

I would like information about premium processing.

Note to Representative:

If the customer needs immigration information relating to an active duty military member or their family member, please refer to Volume 2: Pending Services and see Chapter 2.9 titled "My inquiry is concerning someone in the US Military or a military dependent.

For information about using ELIS please refer to Chapter 5.

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I would like information about filling out or completing a form.

When you are completing your form, the most important items to remember are:

- The form should be completed entirely and signed by you; if you paid for help completing the form, the person you paid should sign the preparer's part of the form.
- If the instructions indicate that you need to submit evidence, make sure that it is included with the form.
- If there is a filing fee, make sure that you have included the correct amount.
- If you are completing the form using a pen, following the instructions provided on the form; generally, you should use black or blue ink.

Note to representative: If a customer has a question regarding Class of Admission Codes, please transfer the call to Tier 2, UNLESS Tier 2 live assistance is unavailable.

Can I type the application?

What is the difference between "legal name," "family name," and "given name"?

Which address should I put on the form?

What is a nonimmigrant visa number?

Who should sign the application?

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Can I type the application?

You may type the application if you wish; please be sure to use black ink.

What is the difference between "legal name," "family name," and "given name"?

Your legal name is: the name on your birth certificate or recorded name change by court order.

Your family name is: your last name.

Your given name is: your first name.

Which address should I put on the form?

You will need to provide the address where you currently reside on the form. If you are a petitioner, you should also include the address of the beneficiary of the petition, particularly if the address is different from yours.

Sometimes, individuals have a mailing address which is different from their home address. You should provide USCIS with the mailing address, since this is where USCIS will send any correspondence regarding your case.

Please remember that if you move, you need to notify USCIS of your change of address so that you continue receiving correspondence or notices related to your case.

What is a nonimmigrant visa number?

The nonimmigrant visa number is the number in red located on the visa in your passport. If you do not have one, place N/A on the application form.

Who should sign the application?

If you are filing for yourself: you should sign the form.

If you are filing a petition on behalf of another person: you should sign the form as the "petitioner"

If a corporation or business is completing the petition: the authorized official within the business should sign the form.

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What if the applicant is under 18?

If the applicant is under the age of 18, a parent or legal guardian should sign the application and should write either 'parent' or 'legal guardian' beside his or her signature. The signature should be your full name with no abbreviation or initials and must be legible. If you are unable to sign your name in English, write your name in your native language. If you are unable to sign your name in any language you can mark an X as your signature.

What if the applicant is not mentally competent?

A legal guardian may sign the form if the applicant is not mentally competent, but should include:

- Evidence that the applicant has been judged to be mentally incompetent by the appropriate authority, and
- Evidence that the person signing is the applicant's legal guardian.

If I had someone help me with the application, do they need to fill out the preparer information and sign it?

If someone assisted you, other than your spouse, parent, son or daughter, then the preparer information must be completed. If you did pay for help, then the preparer information will need to be completed. Additionally, if you are being legally represented, the attorney or accredited representative should complete the preparer information section.

What if I need more room to answer a question?

If you don't have enough space to fully answer a question, write "see attached" in the answer block and attach an additional clean, white sheet of paper to the form. You can finish answering the question on that sheet of paper. If you do this, please be sure to include:

- Your name as shown on your application;
- Date of birth;
- USCIS number (A#) if you have one;
- The form number of the application; and
- Your complete answer and the question # it relates to on the form.

What if I make a mistake when answering a question?

If you are typing the form on a computer:

- If you are completing the form in our online viewer or a version saved on your computer desktop and notice a mistake on your printout version, if you still have the viewer or document open with the information, you can correct the error and print a new copy. If you close out the viewer or document after printing and you notice an error, you will have to complete the entire form again and print a new copy.

If you are handwriting the form or using a typewriter:

- If you make a mistake, please start over with a new form. We use special scanners to read your forms and documents. The scanners will not properly read information that is greyed out, highlighted or corrected using correction fluid or tape.

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What will happen if I misrepresent something in my application?

You should be honest in your application. If you misrepresent something or commit fraud, USCIS may deny the application, and every person involved may lose current and future immigration benefits, may face severe penalties, and may face criminal and/or civil prosecution leading to fines and/or imprisonment.

Can USCIS applications/petitions be downloaded from the Internet to a computer?

Yes. Forms are available for download via the USCIS Web site at www.uscis.gov/forms.

Can applications/petitions be accessed via the Internet and completed online?

Yes. *Some* forms are fillable, meaning that they can be accessed and completed online using your computer. After completing a fillable form, you print it out and file it in person or by mail. You can download these forms from the USCIS Web site. Completing a fillable form is not the same as e-filing a form.

Note to Representative: Information on fillable forms

Can applications/petitions be electronically filed (e-filed)?

USCIS has decommissioned its E-Filing system as of September 30, 2015. You can currently file Form I-90 using USCIS Electronic Immigration System.

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I would like information about legal representation.

Frequently Asked Questions about Legal Representation:

Who can provide legal advice and represent me in my case?

What is a Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative?

Who should submit a Form G-28?

Which version of Form G-28 should be filed?

What revisions were made to Form G-28?

If I filed the prior version of Form G-28 before April 13, 2015, who will receive original notices and secure documents?

How can I verify if an attorney or accredited representative is eligible to legally represent me in my immigration matters with USCIS?

How can I find free or low-cost legal advice?

Can a friend or relative accompany me to my USCIS interview?

Can I appeal a USCIS decision?

How can I protect myself from immigration services scams?

How can I report if I am a victim of an immigration services scam?

How do I notify USCIS that I am no longer represented by my current lawyer that USCIS has on the record?

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Who can provide legal advice and represent me in my case?

You may prepare and file your application or petition with USCIS yourself, or, you may choose to have help from someone else. If you need advice to decide what immigration application or petition to file with USCIS, contact an attorney or an accredited representative of a recognized organization for help. Attorneys and accredited representatives must sign the application or petition as the preparer and complete Form G-28 and file it with your application or petition with USCIS. USCIS will communicate about your case with the attorney or accredited representative who has filed a properly completed Form G-28.

If you only need help filling in the blanks on the application or petition or translating documents that you need to file with the application, you may have help from anyone. However, someone who helps you with translations or filling in blanks on your USCIS forms may not give you legal advice, they may not charge more than a nominal fee, and they may not hold themselves out as qualified in legal matter or in immigration and naturalization procedure. The individual must sign your application or petition as the preparer but may not file a Form G-28. USCIS will not communicate with this individual regarding your application or petition.

Only attorneys or accredited representatives can:

- Give you legal advice about which forms to submit
- Explain immigration options you may have
- Communicate with USCIS about your case

In order to represent you before USCIS, an attorney must be a member in good standing of the bar of the highest court of any state, possession, territory, commonwealth, or the District of Columbia, and may not be under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting him or her in the practice of law.

If you are being represented by an attorney outside the United States, he or she must be licensed to practice law and is in good standing in a court of general jurisdiction of the country in which he or she resides and who is engaged in such practice. An attorney licensed in a country other than the United States may only represent you in an immigration matter outside the geographical confines of the United States and only with the permission of the DHS official where your matter is filed.

A non-attorney is only eligible to represent you if he or she has been accredited by the BIA and works for an organization that has been recognized by the BIA.

In addition, a law student participating in a legal aid program, law school clinic or nonprofit organization may represent you before USCIS if he or she is being supervised by a licensed attorney or BIA-accredited representative. The supervising attorney or accredited representative of the legal aid program, law school clinic or nonprofit organization must complete Form G-28 as your actual legal representative.

"Notarios," notary publics, immigration consultants and businesses cannot give you immigration legal advice. In many other countries, the word "notario" means that the individual is an attorney, but that is not true in the United States. If you need help with immigration issues, be very careful before paying money to anyone who is neither an attorney nor a BIA-accredited representative of a recognized organization.

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What is a Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative?

Attorneys and accredited representatives (accredited by the Board of Immigration Appeals) use Form G-28 to notify USCIS of their legal representation in a given case. Form G-28 must be signed by the attorney or accredited representative and by the applicant, petitioner, or requester. When a valid Form G-28 is on file, USCIS will communicate with the attorney or accredited representative.

Who should submit a Form G-28?

If an attorney or accredited representative (accredited by the Board of Immigration Appeals) helps you with your case, that person must sign your application or petition as the preparer and complete and submit Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative.

If someone who is not an attorney or accredited representative helps you with your case, that person cannot give you "legal advice" or present him/herself as qualified in legal or immigration matters. Such a person cannot charge more than a nominal fee and is required to sign your form as a preparer. A preparer who is not an attorney or accredited representative may not file Form G-28 and USCIS will not share information about your case with a general preparer.

Which version of Form G-28 should be filed?

USCIS has published a revised Form G-28. The revised Form G-28, with a version date of March 4, 2015, was made available on our website on March 6, 2015. The revised form can be accessed at www.uscis.gov/g-28. The version date can be found in the lower left-hand corner of the form. Beginning April 13, 2015, USCIS will not accept earlier versions of Form G-28. If an applicant, petitioner, or requester submits an application or benefit request with a previous version of Form G-28, USCIS will accept the underlying application or request as long as it meets the acceptance criteria. In this situation, USCIS will not accept the Form G-28 and will send all notices and secure documents only to the applicant, petitioner, or requester.

What revisions were made to Form G-28?

Revised Form G-28 with a version date of March 4, 2015 includes two new boxes that allow applicants, petitioners, and requesters to tell USCIS whether they want to receive notices and secure documents directly, or whether they want USCIS to send them to their legal representative. If you do not select a preference, USCIS will send all official original notices and secure documents directly to the applicant, petitioner, or requester. The attorney or accredited representative will receive a courtesy copy when appropriate. If you do indicate a preference for notices and secure documents to be sent to your attorney or accredited representative, USCIS will mail all official original notices and secure documents to the attorney or accredited representative of record.

The revised Form G-28 also collects more biographic data, email addresses and cell phone numbers. Please visit our webpage at www.uscis.gov/forms/filing-your-form-g-28 to learn more about the revised form.

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If I filed the prior version of Form G-28 before April 13, 2015, who will receive original notices and secure documents?

If you submitted a Form G-28 with your case before April 13, 2015, you do not need to send us a new Form G-28 to tell us your mailing preferences for **notices** (as opposed to secure documents). We will send **notices** to your legal representative as long as your Form G-28 is still valid.

If you already submitted a Form G-28 and you want to keep your current legal representative and you want USCIS to send your **secure documents** to your legal representative, then you must submit a new Form G-28 with a version date of March 4, 2015.

If you already submitted a Form G-28 and you want change your legal representative, you must submit a new Form G-28 with a version date of March 4, 2015.

If you already submitted a Form G-28 and you want to withdraw your legal representative, you must send a letter to USCIS stating that you want to withdraw your legal representative and continue your case without any legal representation. Send the letter to the office address on the most recent notice you received from USCIS.

For more information about these procedures, please visit our webpage at www.uscis.gov/forms/filing-your-form-g-28.

How can I verify if an attorney or accredited representative is eligible to legally represent me in my immigration matters with USCIS?

Note to Representative: Please choose the appropriate option below based on the customer's inquiry:

- An attorney in the United States: The best way to make sure that the attorney is eligible to represent you is to ask the attorney to show you his or her current attorney license document. Write down the information and contact the state attorney licensing agency to verify the accuracy of the information. You should also check the List of Disciplined Practitioners on the Executive Office for Immigration Review (EOIR) Web site www.justice.gov/eoir to make sure that the attorney has not been suspended or expelled from practice before USCIS/DHS and EOIR.

- An accredited representative: The best way to make sure that the non-attorney has been approved by the Board of Immigration Appeals (BIA) to represent you in immigration matters is to ask to see the BIA order. You may also check the Roster of Recognized Organizations and Accredited Representative at the EOIR Web page at www.justice.gov/eoir

How can I find free or low-cost legal advice?

You can find a list of free or low-cost legal service providers in your state on the Executive Office for Immigration Review's (EOIR) webpage at www.justice.gov/eoir/probono/states.htm. The American Bar Association webpage at www.findlegalhelp.org also provides information on how to find legal services in your state.

BIA-recognized organizations can also provide legal advice on immigration matters and cannot charge more than a nominal fee. The list of BIA-recognized organizations is available on the EOIR webpage at www.justice.gov/eoir

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Can a friend or relative accompany me to my USCIS interview?

You may bring a relative, neighbor, clergyman, business associate or personal friend to your interview or other appearances in person in a USCIS office. This person is a "reputable individual" in the regulations. Reputable individuals may not file Form G-28. Instead, they must submit a statement to the USCIS/DHS official which states:

- You personally requested they attend your interview
- You have not paid them a fee to help you
- The person's relation to you (relative, neighbor, clergyman, business associate or personal friend)

Please note that the DHS official may decide not permit a reputable individual to appear at your interview.

Can I appeal a USCIS decision?

You may appeal some but not all, decisions of USCIS officers. The written decision you receive will include information on whether the decision may be appealed and where and how to file the appeal. You may file an appeal yourself or you may choose to have an attorney or accredited representative file it for you and they must file a Form G-28 with the I-290B. Individuals who prepare applications or petitions as described above may not file an appeal for you.

A non-US citizen at a port of entry (airport, land border, seaport) asking to enter the United States is not entitle to have an attorney or an accredited representative speak or act on their behalf unless the application is denied and they are placed in exclusion proceedings or other administrative proceedings.

How can I protect myself from immigration services scams?

- DO get immigration information from official government websites. Web addresses for federal government agencies include ".gov," not ".com."
- DO get a receipt when you pay someone to help you complete your immigration forms.
- DO verify that the person giving you legal advice and representing you before USCIS is an attorney or BIA accredited representative.
- DO keep all letters from USCIS in a safe place. Always keep a copy of your USCIS receipt notice. This receipt is proof that your application or petition has been received by USCIS.
- DO check USCIS form instructions for filing fees and other requirements.
- DO check the status of your case for free at www.uscis.gov or by calling 1-800-375-5283.
- DO report unlawful activity or immigration scams to the FTC, your state attorney general's office or your state bar association.
- DO NOT pay for blank USCIS forms. All USCIS forms are free and available at www.uscis.gov or at your local USCIS office.
- DO NOT sign blank forms. Be sure all forms are complete before you sign them. Always get copies of all forms or documents that were prepared or submitted for you and keep them in a safe place.

For more information on how to avoid becoming a victim of immigration fraud and information on reporting unlawful practices visit www.uscis.gov.

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How can I report if I am a victim of an immigration services scam?

You can report an immigration services scam to the Federal Trade Commission at https://www.ftccomplaintassistant.gov/ or 1-877-382-4357. You can also report it to your state attorney general's office or, in some cases, your state bar. Information on how to report immigration services scams in every state is available online at www.uscis.gov/avoidscams under the "Report Immigration Scams" tab.

How do I notify USCIS that I am no longer represented by my current lawyer that USCIS has on the record?

You may write a letter to the USCIS office that has jurisdiction over your case stating that you are no longer represented by your current lawyer that USCIS has on the record.

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I would like information about what evidence I have to submit.

When you file an application or petition, you have to prove that you are eligible for the immigration benefit. The instructions on each form indicate what initial evidence you will need to submit along with your application. In some cases, USCIS may ask for additional information.

Frequently Asked Questions about Evidence:

Can I submit copies of important documents instead of the originals?

If I submitted original documents, how do I request that they be returned?

Do I have to submit translations?

What if a document required as initial evidence does not exist?

How do I prove that a document doesn't exist?

After I have this statement, what kind of evidence do I submit to try to prove my claim?

What if no documents exist that can prove my claim?

What will happen if I missed including something with my application?

How long will I have to respond to a request for missing initial evidence?

Can the time to submit missing initial evidence be extended?

Will USCIS ever ask for evidence beyond the required initial evidence?

How does a request for initial evidence affect the processing timetable in terms of interim benefits?

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Can I submit copies of important documents instead of the originals?

You can submit copies of any required document as long as each copy is clearly legible. If you do submit an original document, USCIS may retain that document for the record. In some cases, USCIS may request to see the original document of a submitted copy for purposes of comparison.

A Certificate of Naturalization or Citizenship contains a warning indicating it cannot be copied. However, for the purposes of obtaining an immigration benefit, it is acceptable to make a copy of a Certificate of Naturalization or Citizenship.

If I submitted original documents, how do I request that they be returned?

If you submit original documents and they are not required, the documents will become part of the record. If you later decide that you want your original returned, you will need to file Form G-884 with the office where you submitted the document. Form G-884 does not have a filing fee and can be ordered or downloaded from our Web site.

Do I have to submit translations?

Any document that you submit in a foreign language must have a full English translation. The translator of each document must certify that s/he is competent to translate the language and that the translation is accurate.

What if a document required as initial evidence does not exist?

If the document that has been requested of you does not exist, then you will need to submit proof that it does not exist, including an explanation as to why it does not exist. Additionally, you will need to submit substitute evidence to bolster your application or petition.

How do I prove that a document doesn't exist?

The Department of State publishes the Foreign Affairs Manual that lists certain documentation that is unavailable for an area or country. If a certain type of documentation is listed, you can submit substitute evidence without having to first prove that the primary evidence does not exist. In all other instances include a letter from the appropriate local authority that would normally be responsible for maintaining the record in question, stating that: The record does not exist and explaining why the record does not exist.

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After I have this statement, what kind of evidence do I submit to try to prove my claim?

What you will need to submit as proof depends on what documents you are trying to substitute. Generally, the most credible secondary evidence is an original document dated close to when the event occurred and that the document is from an official source.

For example, to prove when and where you were born when there is no birth certificate, you could submit a baptismal certificate with the church's seal if it shows the date and place of birth. Next might be early school records, or other official government records or census records.

What if no documents exist that can prove my claim?

If none of these documents exist, then include with your application:

- A statement from the appropriate local authorities explaining why the normal primary document, such as a birth certificate, doesn't exist, and
- Statements from appropriate authorities to show why all the normal secondary evidence, such as baptismal records, school records and census records do not exist, and
- At least 2 sworn affidavits. Each must be by someone who was alive at the time of the event and has direct, personal knowledge of the event to which he or she is attesting. When possible, affidavits should NOT be from the beneficiary or petitioner or someone who could derive an immigration benefit from either.

What will happen if I missed including something with my application?

It is important that you make sure your application is complete before you file. If it is incomplete, it will cause a delay in your receiving any immigration benefit based on the application. If you submitted an incorrect fee or an unsigned application, your submission will be rejected. If your case is missing initial evidence, your application will be accepted but placed on hold. USCIS will send you a notice requesting you to submit the missing material. Your application will not be processed – and you cannot receive any interim benefits – until you submit the missing material.

How long will I have to respond to a request for missing initial evidence?

You must respond by the deadline on the notice. If USCIS does not receive the requested evidence before the deadline on the notice, your application may be denied.

Can the time to submit missing initial evidence be extended?

USCIS regulations do not allow for an extension of time to submit missing evidence after a request for evidence has been made.

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Will USCIS ever ask for evidence beyond the required initial evidence?

Initial evidence is all the material that the instructions indicate that you should submit when you file your application. In many cases, this material will be sufficient to complete processing without having to ask you for more evidence.

- Sometimes initial evidence is not enough to prove eligibility. In such a case, USCIS may ask that you submit specific additional evidence, which may include documentation and/or explanations.
- If USCIS asks for additional evidence, you must respond by the deadline on the notice. This time cannot be extended.

How does a request for initial evidence affect the processing timetable in terms of interim benefits?

A request for initial evidence can affect both processing and eligibility for interim benefits.

- Processing: Your case will be suspended, or placed on "hold," as of the date of the request. The case will resume processing once the requested evidence is received. If you filed a petition properly, the priority date will not be affected by a request for missing initial evidence or request for other evidence.

- Interim Benefits: Interim benefits will not be granted while the processing of your application is suspended. If you were previously granted employment authorization based on the same status, it may continue un-interrupted.

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I would like to know the specifications for photos

After filing most applications, you will receive a notice for a biometrics appointment at an Application Support Center (ASC). Photos, along with your fingerprints, will be taken for you at this appointment.

However, some applications may still require you to submit passport style photos. For more information about whether you are required to submit photos along with your application, please read the instructions to the form you are filing.

The photos you submit along with your application should be:

- Identical;
- Passport Style; and
- Have your name and A# written in pencil on the back.

If you file your application by mail, be sure to put your photos in a small, sealable plastic bag and staple the bag to the front of your application under the check or money order. Don't staple through the photos and make sure that the photos are positioned so that they are not bent.

If you would like more information about acceptable passport style photos, please visit the U.S. Department of State Travel and Passport Photo Requirement Webpage.

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I would like information about paying the filing fee

Frequently Asked Questions about Paying the Filing Fee

When do I pay the filing fee?

What are acceptable methods of payment?

To whom do I make out the check or money order?

Do I have to pay in United States dollars?

Can my check or money order be from outside the United States?

Can I submit a third party check, or sign over a money order?

I am ready to file my application and send it by mail; can I pay with a credit card?

What if I forget to include the filing fee, or include the wrong amount?

What is the filing fee for?

Is the filing fee refundable?

Can I do a "stop payment" after I submit the fee?

Will I receive a receipt?

I want to know if I am eligible for a benefit before I submit the application and pay the fee. Can you tell me if I qualify?

Why do some applications not have a filing fee?

Can I get the filing fee waived? If so, how?

When can the Burlington Finance Center assist customers/applicants?

If my bank did not clear my payment for the filing fee, what will happen to my application?

What is going to happen to my application if I send my payment after the 14 day limit?

Am I allowed to pursue my application/petition process after it is rejected because I did not send payment within the 14-day limit?

Am I liable to pay the fees if my application is already processed?

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When do I pay the filing fee?

You must include full payment of the filing fee, in the exact amount required, when you submit your completed application or petition.

What are acceptable methods of payment?

If you are mailing your application or petition, you should pay by check or money order. Make sure that the applicant's name and any USCIS account number are written on the check or money order. The check or money order must be made out in the exact amount required. Do not mail cash.

To whom do I make out the check or money order?

Checks or money orders will be accepted if made payable to one of the following:

- Department of Homeland Security
- If you live on Guam, make it payable to the Treasurer, Guam
- If you live on the U.S. Virgin Islands, make it payable to the Commissioner of Finance of the Virgin Islands

Please use complete spelling; no initials or acronyms (other than U.S. for United States).

Do I have to pay in United States dollars?

Yes. Payment in any currency other than United States dollars will cause your application to be rejected.

Can my check or money order be from outside the United States?

If you are outside the United States, you may submit a "bank international money order" or a foreign draft or check from a financial institution which is based in the United States. If you are inside the United States, the check or money order must also be from a financial institution in the United States.

Can I submit a third party check, or sign over a money order?

No. If you submit a third-party check or sign over a money order, your application will be rejected.

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I am ready to file my application and send it by mail; can I pay with a credit card?

USCIS does not accept payment by credit card if an application is filed by mail. However, you may pay with your credit card if you are filing an application or petition electronically.

What if I forget to include the filing fee, or include the wrong amount?

USCIS will reject your application.

What is the filing fee for?

The fee is payment for processing of the application or petition, not a fee for receiving the benefit. The filing fee reflects the direct and indirect cost of processing the application plus related charges. In general, filing fees are non-refundable.

Is the filing fee refundable?

The filing fee is payment for processing of the application or petition. When you pay a filing fee on an application, you are seeking a decision from USCIS regarding your eligibility for a benefit. In general, USCIS does not refund a fee regardless of the decision on the application unless there is a finding of USCIS error. Instances of USCIS error are as follows:

- **Unnecessary Filing** - USCIS (or the Department of State in the case of an application or petition filed overseas) erroneously requested an unnecessary application or petition and collected a fee;
- **Payment in Excess of Amount Due –** USCIS (or the Department of State in the case of an application or petition filed overseas) erroneously accepted and processed an application or petition with a fee in excess of the amount due;
- **Failure to Meet Premium Processing Times –** USCIS will refund the fee provided with Form I-907 whenever USCIS did not approve, deny, issue a Notice of Intent to Deny, send a Request for Evidence, or open a fraud investigation relating to an application or petition within 15 calendar days of receiving the application or petition accompanied by Form I-907 with the required fees;
- **Appeals or Motions to Reopen/Reconsider –** If an appeal or motion to reopen/reconsider is filed and the prior decision is overturned based on a clear finding of USCIS error, USCIS will initiate a fee refund for the appeal or motion, but not for the underlying application or petition;
- **Other –** There may be other instances where a refund is appropriate based on USCIS error.

Note to Representative: If the customer believes they are entitled to a refund, Go to SRMT and take a Refund Request type of service request based upon the customer's reason as noted above. Ensure the caller is within the "acceptable caller type" before taking a service request.

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Can I do a "stop payment" after I submit the fee?

While you may legally do so, cancelling or withdrawing an application still requires full payment of the filing fee. If you stop payment on a check, the result will be an invoice and additional charges. This fee is due regardless of whether the application was cancelled, rejected, or withdrawn and whether any services were received or not.

Will I receive a receipt?

You should always receive a receipt when you pay the fee. If you file the application and filing fee by mail, a receipt will be mailed to you. If you file the application in person, you should be given a receipt, unless the case has to be forwarded to a Service Center (in which case you would receive a mailed receipt).

I want to know if I am eligible for a benefit before I submit the application and pay the fee. Can you tell me if I qualify?

Eligibility can only be determined AFTER the application and all supporting documentation is filed and adjudicated. I cannot tell you if you qualify for any immigration benefit. The filing fee covers the cost of processing your case. If the application or petition is denied, the fee will not be returned.

Why do some applications not have a filing fee?

In evaluating the circumstances in which applications and petitions are filed, USCIS has determined that, for some types of applications or petitions, a very large percentage of the applicants would be unable to pay the fee. For those types of applications or petitions, USCIS has determined that no fee will be charged.

Can I get the filing fee waived? If so, how?

USCIS has discretion to waive filing fees in circumstances where an applicant establishes an inability to pay the fee. If you want your fee to be waived, you will need to demonstrate that you cannot pay the fee. To apply for a fee waiver you need to submit Form I-912. To determine if you fall within 150% of the poverty line, you may wish to review Form I-912P.

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When can the Burlington Finance Center assist customers/applicants?

The Burlington Finance Center (BFC) provides support to the Department of Homeland Security through managing activities associated with billing and fee collection. The BFC cannot directly assist customers who wish a fee refund or who want information about the status of an application. The BFC can assist you ONLY in the following situations:

- If you received an invoice or Notice of Action informing you that your case has stopped processing because payment was returned by the Bank;
  Note to Representative: If the customer falls into this scenario provide them with the number to BFC: 866-233-1915.

- If your application status is currently in "payment delinquency".
  Note to Representative: If the customer falls into this scenario, provide them with the number to BFC: 866-233-1915, and then transfer the call to Tier 2, UNLESS Tier 2 live assistance is unavailable.

If you have been contacted by the Department of Treasury because of a debt you owe, you should contact them directly at 888-826-3127.

If my bank did not clear my payment for the filing fee, what will happen to my application?

If your payment is not cleared by your bank, you will receive a notice to submit proper payment for the application/petition within 14 days.

What is going to happen to my application if I send my payment after the 14 day limit?

If payment is received after the 14-day limit, your application/petition may be rejected and your payment will be returned.

Am I allowed to pursue my application/petition process after it is rejected because I did not send payment within the 14-day limit?

If your application is rejected because you did not send payment within the 14-day limit, you may file a new application/petition and the associated fee must be submitted.

Am I liable to pay the fees if my application is already processed?

Yes, if the application/ petition is approved/denied/ revoked a liability for payment will still exist and collections of monies for the returned item will continue.

Back to Filing and Legal Representation Ready to File Main Menu

I would like information about how applications are processed.

Frequently Asked Questions about How Applications are Processed

How long will it take USCIS to process my application after I file it?

What does "processing time" mean?

Will USCIS give me a projection of how long processing will take when I file?

How does a request for evidence affect the processing time of a case?

If I will be fingerprinted and/or interviewed after I file my application, when and where will this happen?

Can I request that my case be transferred to an office closer to my residence?

Do I need a translator to accompany me to my appointment or interview?

Can my child or other relative be my translator?

What are "biometrics"?

I am homebound and I am filing the form I-90. Can I have my fingerprints and biometrics taken at home?

Can I request that my case be expedited when I file it?

Back to Filing and Legal Representation Ready to File Main Menu

How long will it take USCIS to process my application after I file it?

The time it takes to process your case depends on the type of application you filed, whether you filed the application with all the required evidence, and how many other people are applying for the same benefit. Because of the variable nature of processing times, any estimate that USCIS gives to its customers is only an estimate, not a guarantee. You can check processing times for your case type on our Web site.

What does "processing time" mean?

"Processing time" refers to the length of time between your filing date and when USCIS issues you a decision on your case. USCIS usually processes cases in the order they are received. For each type of application or petition there are specific workload-processing goals. Sometimes the volume of cases we receive is so large, which can affect processing times. You can find more information about this and look up processing times for your case on our Web site, www.uscis.gov.

Will USCIS give me a projection of how long processing will take when I file?

If the form you filed directed you to submit it to a USCIS Service Center, you will receive a receipt that will also include an estimated processing time for your case. For forms submitted elsewhere, you should visit www.uscis.gov and to find current processing times.

How does a request for evidence affect the processing time of a case?

A request for evidence stops the processing of your case until you provide the requested evidence to the office making the request, or until the time frame provided for you to submit the evidence passes. If you receive a request for evidence, read it carefully and respond with all the requested information and documentation within the time frame shown.

If I will be fingerprinted and/or interviewed after I file my application, when and where will this happen?

If you are between the ages of 14 and 79, you may be required to be fingerprinted within the processing of your application or petition. Please keep in mind that even if you have been fingerprinted before, you will still need to be re-fingerprinted each time you apply for a new benefit that may require fingerprinting within its processing.

If USCIS needs to interview you as part of processing your application or petition, you will be notified as to where and when to appear. Failure to appear for a required or scheduled appointment may result in denial of your application.

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Can I request that my case be transferred to an office closer to my residence?

You must make a transfer request with the new office where you want the case moved. That office has the discretion to grant your request and ask for the case or to deny your request and let the case be processed at the office where it is currently located.

If the office grants your transfer request, you will be informed about what you need to do and what to expect, including how long the process may take. If the office does not grant your transfer request, you will need to follow any other instructions you receive from the office where the case is currently located.

Do I need a translator to accompany me to my appointment or interview?

With the exception of sign language, USCIS does not provide translators. Therefore, if you feel that you need a translator, we recommend that you take a translator with you to your interview or appointment. If you are hearing impaired, USCIS can provide sign language translators. Please make this request to the local office or ASC as soon as possible prior to your scheduled appointment and/or interview. Please provide a letter along with your application indicating you are hearing impaired so USCIS can make every effort to have a sign language translator available when you arrive.

Can my child or other relative be my translator?

Unless it is an emergency situation, children and other immediate relatives should not be used as translators. Every attempt should be made to use a translator who is a disinterested third party. Local offices have the discretion to accept or reject any person as a translator.

What are "biometrics"?

Biometrics refers to information USCIS collects from you such as a photo, signature, and fingerprints.

I am homebound and I am filing the form I-90. Can I have my fingerprints and biometrics taken at home?

If you are unable to appear for your appointment at an Application Support Center (ASC) due to the fact you are homebound, you may send a request for "special handling" to the National Benefits Center after filing Form I-90 and receiving a receipt number. The ASC appointment notice you receive will also include instructions on how to request special handling. All requests for special handling should include a copy of the appointment notice and medical documentation verifying the need for an in-home appointment.

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Can I request that my case be expedited when I file it?

In limited circumstances you may submit an expedite request. Expedite requests are granted on a case-by-case basis and approval is not guaranteed. In order for your request to be considered, you must show that your situation falls into one of the following categories:

- Severe financial loss to company or individual
- Extreme emergent situation
- Humanitarian situation
- Nonprofit status of requesting organization in furtherance of the cultural and social interests of the United States
- Department of Defense or National Interest Situation
- USCIS error
- Significant and compelling reason such as a medical condition
- Military deployment
- Age-out cases not covered under the Child Status Protection Act, and applications affected by sunset provisions such as diversity visas
- Loss of social security benefits or other subsistence

Note to Representative: If the customer has NOT yet filed an application but wants to request their case be handled expeditiously, please give the customer the following information.

If you have not filed your application yet, and you want to request it be expedited, you will need to file the case by using express mail courier service and include your expedite request and any supporting documents with the application package.

Note to Representative: The customer has already filed the application.

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I would like information about premium processing.

Premium Processing allows customer to pay an additional fee in exchange for faster case processing. Under the Premium Processing Program, USCIS guarantees 15-day processing of certain employment-based petitions and applications.

Frequently Asked Questions about Premium Processing:

Can I request premium processing service for any employment-based petition or application?

What types of petitions are now included in the premium processing service?

Under what circumstances is premium processing available for a Form I-140 filed on behalf of an H-1B non-immigrant?

Do I need a separate form to pay the premium-processing fee?

Can I request premium-processing service for an application or petition available for premium processing that is already filed and pending?

Where should I mail my request for premium processing?

What if the beneficiary of the petition has dependent family members who are seeking derivative benefits?

Can I contact the Service Center any other way after I file my request for premium processing?

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Can I request premium processing service for any employment-based petition or application?

No. USCIS designates certain petitions or applications for the Premium Processing Program by publishing notices in the Federal Register specifying the form types and visa classifications. You may request Premium Processing Service only for those petitions and applications that are designated. If you request Premium Processing Service for a petition or application that has not been designated, USCIS will return the Premium Processing Fee and Form I-907. The relating petition or application will be moved out of Premium Processing and continue normal processing.

What types of petitions are now included in the premium processing service?

Note to Representative: Provide the customer with the form types currently available for premium processing service.

Under what circumstances is premium processing available for a Form I-140 filed on behalf of an H-1B non-immigrant?

Effective March 2, 2009, USCIS will accept premium processing service requests for Form I-140 Petitions filed for H-1B beneficiaries who, as of the date of filing the Form I-907 premium processing request:

- Have reached the 6th year statutory limitation of their H-1B stay, or will reach the end of their 6th year within 60 days of filing;
- Are only eligible for a further H-1B extension under section 104(c) of the American Competitiveness in the Twenty-First Century Act of 2000 (AC21); and Are ineligible to extend their H-1B status under section 106(a) of AC21.
- USCIS will accept Form I-907 either together with the Form I-140 petition or after the filing of Form I-140 through the mail or delivery service only. E-filing of the Form I -907 will not be available.

Note to representative: Premium Processing for H-1B nonimmigrants is not available for Forms I-140 filed for EB-1 Multinational Executives and Managers or EB-2 Professionals seeking a National Interest Waiver.

Do I need a separate form to pay the premium-processing fee?

Yes. You may request Premium Processing Service by filing a completed Form I-907, Request for Premium Processing Service, along with one of the forms designated for premium processing and paying the Premium Processing Fee. All other filing fees associated with the form you are filing must also be paid. You must pay the Premium Processing Fee with a separate check or money order. For additional information about the form fees, visit our website at www.uscis.gov and select the "Immigration Forms" link.

Back to General Information about Filing Ready to File Main Menu

Can I request premium-processing service for an application or petition available for premium processing that is already filed and pending?

Yes. If you want to request Premium Processing Service, you must file the Form I-907 with the Premium Processing Fee. Include a copy of the Form I-797, Notice of Action, and showing receipt of Form I-129 or Form I-140. The 15-day processing period will begin when USCIS receives the Form I-907.

Where should I mail my request for premium processing?

The filing location for Form I-907 depends on whether you are requesting Premium Processing Service for Form I-129 or for Form I-140. To learn where you should file your completed Forms I-907/I-129 for Premium Processing Services, see "Direct Filing Addresses for Form I-129" located on the USCIS Web site. For information on Form I-140 related Form I-907 filing instructions and locations, carefully read the instructions for Form I-140.

What if the beneficiary of the petition has dependent family members who are seeking derivative benefits?

If a family member files an I-539 application concurrently with the principal beneficiary's petition, USCIS will process the application for the family member along with the Premium Processing petition. Although the family member must pay the regular fee for his/her own I-539 application, no additional fee for the I-539 application filed by the family member will be required.

This applies ONLY to dependents of the beneficiary of the Premium Processing petition.

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Can I contact the Service Center any other way after I file my request for premium processing?

If you have filed a Form I-907 and want further information about it, please call the Service Center where you mailed the form:

- **California Service Center**: (866) 315-5718
- **Nebraska Service Center**: (402) 474-5012
- **Texas Service Center**: (214) 275-4415
- **Vermont Service Center**: (866) 315-5718

A unique e-mail address has been created at each Service Center for questions concerning the Forms I-907 filed there or for assistance in filing a request for Premium Processing. Any messages received in these e-mail accounts that do not relate to Premium Processing will be deleted without reply. Those email addresses are:

- **California Service Center**: CSC-Premium.Processing@dhs.gov
- **Nebraska Service Center**: NSC-Premium.Processing@dhs.gov
- **Texas Service Center:** TSC-Premium.Processing@dhs.gov
- **Vermont Service Center**: VSC-Premium.Processing@dhs.gov

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Acceptable Caller Types

In order to ensure customer privacy and security as well as data integrity, we may only take information regarding cases from the following individuals:

- The applicant/petitioner (The person who signed the application or petition in question)
- Authorized Officer or Employee of Petitioning Company or Organization
- A translator (Only if the applicant/petitioner is present)
- An attorney who claims to have a G-28 on file for the petitioner/applicant OR a paralegal from that attorney's office/firm (ask if the attorney has a G-28 on file).
- A Community-Based Organization (CBO) who is representing the applicant/petitioner and who has a G-28 on file (ask if the CBO has a G-28 on file).
- A parent of an applicant/petitioner who is under age 18.
- A legal guardian of an applicant or petitioner.
- An adult caregiver of the applicant or petitioner (Such as a nurse caring for an elderly or disabled person – if the applicant or petitioner is physically able to speak on the phone, his/her presence should at least be confirmed. If physically unable to speak on the phone , continue as if the caregiver were the applicant/petitioner)

Confirm that the caller meets at least one of the above listed requirements before taking a Service Request. If the caller is not within one of the acceptable caller types listed above, we will not be able to take a service request from the caller.

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CSR Transfer Statement:

Due to a high volume of calls, we would be happy to take some information from you and refer your inquiry to a USCIS officer to research and respond.

Note to Representative:

- Go to SRMT and take a service request.
  - The Service Request Type will be based on the Transfer Reason
  - In the comments block, state the specific information that the customer is seeking and a brief reason why he or she needed the call escalated.
  - Ensure the caller is within the "acceptable caller type" before taking the service request.
  - Complete the service request and use the routing override capability to select **WKD** as the office for the service request to route to Tier 2.
  - Provide the customer with the referral ID number
  - Advise the customer that a USCIS officer will research their inquiry and contact them within 3 to 5 business days.

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No Case Status Online

The fact that you have a receipt notice which informs you of your "case receipt number" assures you that your case has been accepted and is active. If the case has been recently filed it may take longer than normal to view your case information on the USCIS **Case Status Online** feature. There is no negative impact on the processing of your case if the case information is not available online. Until the information is made available online you will not be able to track your case electronically on **Case Status Online**.

Please allow 30-45 days for the most current up to date status on your case to be made available electronically. If the information is not available within this time frame please return the call so that we may investigate the matter further.

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Volume 4.1	Ordering Immigration Forms	Last Updated: 9/30/2015

Overview

Immigration forms can be ordered directly from the USCIS website or via telephone through the USCIS forms request line at 1-800-870-3676. Bulk form orders must be processed through the Government Printing Office (GPO) online at http://www.bookstore.gpo.gov or by telephone at 1-866-512-1800.

Prompt – It appears you would like to order an immigration form. Is that correct?

If YES, continue below.
If NO, go to "Where to Start"

If you already know what forms you need, you can download them from our Web site at www.uscis.gov. You can also order forms by calling our forms request line at 1-800-870-3676. If you do not have a computer you could find a place to use the internet, such as a local library, where you would be able to download the form and have it immediately.

Regardless of whether you download a form from our Web site or order a form over the phone, it is very important that you read the instructions to each form prior to completing it. If you have questions about completing a form after you have read the instructions, please visit our Web site or feel free to call us back at 1-800-375-5283.

Can I order the form(s) I need now over the phone?

I can help you order the form(s) you need by completing an order request for you. Once the request is submitted, you can expect to receive your order within 7 to 10 days. This service can only be provided to United States addresses. If you are outside of the United States, immigration forms may be obtained at the US Embassy serving your area.

Note to Representative: Take a Forms Order from our website

What do I need to do if I want to place a bulk form order?

Bulk form orders must be processed through the Government Printing Office (GPO). You can find immigration forms for bulk ordering online at http://bookstore.gpo.gov/ or you may call to place an order by telephone at 1-866-512-1800. The GPO only provides bulk ordering for limited form types. If the GPO does not have the form you need for bulk ordering, you can place a *one-time* bulk order on our Web site, www.uscis.gov. Using our online "Forms by Mail" service, you may order up to 25 forms at a time (5 separate packages each comprised of 5 forms).

Currently, the GPO provides bulk ordering for the following immigration forms: G-325A, I-526, I-130, N-600, I-129F, I-698, and I-131. These forms are available in packages of 100.

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WHAT INFORMATION ARE YOU SEEKING? (PLEASE CHOOSE ONE BELOW)

Other FAQs related to U.S. Citizens:

Chapter 1 Information about U.S. Passports, Traveling Abroad and Returning to the U.S. after a trip

OVERVIEW

Effective June 1, 2009, U.S. passports are required for all U.S. Citizens traveling by air, land or sea from Canada, Mexico, Central America, South America, the Caribbean and Bermuda. A U.S. citizen must have a passport when traveling to and from any country or area not listed above. For more information, please check with the U.S. Department of State. Their website is at www.state.gov.

To obtain a U.S. passport, apply with the U.S. Passport Office. For information check their website at www.state.gov or call 1-877-487-2778.

FAQs about U.S. Citizens Traveling Abroad

Back to: U.S. Citizen Services Main Menu

Where can I get a U.S. passport?

You can apply for a passport at a passport agency or at over 7,000 passport acceptance facilities nationwide, including many federal, state, and probate courts, post offices, many county and municipal offices and some libraries. For more information on obtaining a passport, visit the Department of State's website at: travel.state.gov or call the National Passport Information Center at 1-877-487-2778, TDD/TTY: 1-888-874-7793

What is required to re-enter the U.S.?

All U.S. citizens, including children, must present a passport or other approved travel document when entering the U.S. by air. U.S. citizens can present a passport, a NEXUS card at airports with a NEXUS kiosk, a U.S. military ID with travel orders, or a U.S. Merchant Mariner Document when on official business.

U.S. citizens entering the U.S. at sea or land ports of entry are required to have documents that comply with the Western Hemisphere Travel Initiative, which are a U.S. passport, a passport card, a trusted traveler card such as NEXUS, SENTRI, or FAST, or an enhanced driver's license.

What are the new passport requirements to travel abroad?

As part of the U.S. Department of State's Western Hemisphere Travel Initiative, all travelers are required to present a valid passport or other approved document(s) to enter or re-enter the U.S. from Canada, Mexico, Central and South America, the Caribbean and Bermuda.

WHTI-Compliant Travel Documents include:

- Trusted Traveler Cards (NEXUS, SENTRI, or FAST)
- State issued Enhanced Driver's License (when available)
- Enhanced Tribal Cards (when available)
- U.S. Military Identification with Military Travel Orders
- U.S. Merchant Mariner Document when traveling due to official maritime business
- Native American Tribal Photo Identification Card
- Form I-872 American Indian Card

All U.S. citizens including children traveling by air are required to present a valid passport, Air NEXUS card, or U.S. Coast Guard Merchant Mariner Document. Military personnel traveling under orders may present photos ID and travel orders, but military dependents must present a passport.

All U.S. citizens who are 16 years of age and older and traveling by land or sea (including ferries), will be required to present a valid passport, passport card, Frequent Traveler card (NEXUS, SENTRI, or FAST), enhanced driver's license (for residents in states that issue them), or a Military ID with travel orders. Children under 16 may present an original or copy of his/her birth certificate, a Consular Report of Birth Abroad, or a Naturalization Certificate.

For information about travel documentation required by a specific country, please see the U.S. Department of State's travel information web page. www.state.gov/travel.

Note to Representative: This does not affect travel between the U.S. and its territories. U.S. citizens traveling between the U.S. and Puerto Rico, the U.S. Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa will continue to be able to use established forms of ID.

Back to: Information about Passports and Traveling Abroad U.S. Citizen Services Main Menu

What documents are usually accepted as proof of U.S. citizenship?

The most common documents that establish U.S. citizenship are:

- **Birth Certificate,** issued by a U.S. State (if the person was born in the U.S.), or by the U.S. Department of State (if the person was born overseas and the parents registered the child's birth and U.S. citizenship at birth with the U.S. Embassy or Consulate).
- **U.S. Passport,** issued by the U.S. Department of State.
- **Certificate of Citizenship**, issued to a person born outside the U.S. who was still a U.S. citizen at birth, or to a person who later automatically became a U.S. citizen.
- **Naturalization Certificate,** issued to a person who became a U.S. citizen after birth through the naturalization process.

Where can I get a copy of my birth certificate?

Check with the Bureau of Vital Statistics in the U.S. State in which you were born. For more information, please visit the National Center for Health Statistics web page at www.cdc.gov/nchs/births.htm

Do I need a Visa before traveling?

Many countries require that U.S. citizens have a visa issued by that country in order to enter. For information about whether a country requires a visa, please contact that country's embassy or consulate well in advance of your planned travel. For more "Tips for Traveling Abroad," please see the U.S. State Department web page at www.travel.state.gov.

What is a "Visa to Enter a Foreign Country"?

A visa may be a page, an endorsement, or stamp placed by officials of a foreign country in a U.S. passport that allows the bearer to visit that foreign country.

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What do I do if I lose my passport while overseas?

Contact the nearest U.S. embassy or consulate.

Do I need immunization records before traveling abroad?

Some countries may require International Certificates of Vaccination against yellow fever. Furthermore, many countries have established regulations regarding AIDS testing, especially for long-term visitors. It is recommended that you contact the embassy or consulate of the country that you plan to visit for further information. For more information on health information for international travel, please contact the Centers for Disease Control and Prevention at 1-877-FYI-TRIP (877-394-8747) or visit their website at www.cdc.gov/travel.

Will I need any immunizations before reentering the U.S.?

If you are a U.S. Citizen, you are not required to get immunizations to return to the U.S.

Where can I obtain additional information about travel abroad?

For additional information, please go to the Department of State website at: travel.state.gov.

You may also want to contact the embassy of the country you are planning to visit to find the requirements for that particular country regarding travel and entry.

Back to: Information about Passports and Traveling Abroad U.S. Citizen Services Main Menu

Chapter 2 How to Get Proof of U.S. Citizenship, Determine Citizenship, and What to Show an Employer When Applying for a Job

OVERVIEW

Citizenship: In many cases, a person may be a U.S. Citizen and not even know it. There are many ways that a person may derive citizenship from a parent or grandparent.

Employment: Employers must verify the eligibility of each employee to be employed legally in the United States. To meet this requirement, a United States citizen may be able to show an employer a U.S. birth certificate with a photo identification document, a U.S. passport, or other documentation.

Prompt: It appears you are interested in information on how to apply for proof of U.S. Citizenship or how to determine if you are a U.S. citizen. Is that correct?

- If yes, continue below
- If no, go to where to start

Back to: U.S. Citizen Services Main Menu

Chapter 2	How to Get Proof of U.S. Citizenship, Determine Citizenship, and What to Show an Employer When Applying for a Job
Unit 1	Getting Proof of U.S. Citizenship and What to Show an Employer When Being Hired

OVERVIEW

Every employer in the United States must verify the eligibility of each newly hired employee to be legally employed in the United States. A U.S. Citizen may show a variety of evidence to meet this requirement, including but not limited to a U.S. Passport or a U.S. birth certificate along with a government issued photo identification document.

Born in the U.S. – If you were born in the U.S., you can use your U.S. passport, if you have one, or your birth certificate to prove your citizenship.

Born outside the U.S. but citizenship registered at birth – If your U.S. citizenship was registered at birth and you need a copy of your evidence of citizenship, apply to the State Department.

Naturalized or derivative citizen – If you have a certificate of citizenship or naturalization, you may use the original naturalization certificate, citizenship certificate or a U.S. passport to prove citizenship.

Note to Representative: Until further FAQs are developed for this chapter, please provide the information in the Overview to the customer.

How do I apply to have my citizenship recognized?

You have two options:

- You can apply to the U.S. Department of State for a U.S. passport. A passport is evidence of citizenship and also serves as a travel document if you need to travel. For information about applying for a U.S. Passport, see the U.S. Department of State website at www.state.gov.

- If you are already in the U.S., you can apply to USCIS for a Certificate of Citizenship using Form N-600, *Application for Certificate of Citizenship*. However, a certificate of citizenship does not serve as a travel document.

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Chapter 2	How to Get Proof of U.S. Citizenship, Determine Citizenship, and What to Show an Employer When Applying for a Job
Unit 2	Determining if You are a U.S. Citizen

OVERVIEW

Whether someone born outside the U.S. to a U.S. citizen parent is a U.S. citizen depends on the law in effect when the person was born. These laws have changed over the years, but usually require a combination of at least one parent being a U.S. citizen when the child was born and having lived in the U.S. or its possessions for a period of time.

To apply for recognition of citizenship, you have two options. The first is to apply for a U.S. passport. A passport is evidence of citizenship and also serves as a travel document. Apply with the U.S. Passport Office. For information check their website at www.state.gov or call 1-877-487-2778.

If you are already in the U.S., your second option is to apply for a certificate of citizenship by filing Form N-600. You print the form and instructions right from our website at www.uscis.gov.

Please choose one of the following:

For a self-guided tour to help in Determining United States Citizenship

For Frequently Asked Questions related to Determining Citizenship

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Were you born in one of the 50 States in the United States, Puerto Rico, Guam, the U.S. Virgin Islands, American Samoa, or the Swains Islands?

- Yes
- No

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Were you born in Panama or the Panama Canal Zone?

- Yes
- No

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You were born (choose one):

- In one of the 50 states of the United States
- Outside the 50 states of the United States

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With the exception noted below, if you were born in one of the 50 states of the United States, you were automatically a citizen at the time you were born.

If you were born in the U.S., you can use your U.S. passport or your birth certificate to prove your citizenship. If you need a copy of your birth certificate, contact the bureau of vital statistics in the State in which you were born. We do not issue any kind of citizenship document to a person who is a citizen by birth in the U.S.

> ***Exception:*** If your parents were foreign diplomatic officers when you were born in the U.S., you are not a United States citizen at birth because, by law, you were not subject to United States jurisdiction at birth. However, you may be able to apply for permanent resident status. See the information about the nonimmigrant category "A" in Volume 4.4.1, Nonimmigrant Services, for more information.

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You were born:

- In one of these territories or possessions of the United States (pick one)
  - Puerto Rico
  - Guam
  - U.S. Virgin Islands
  - American Samoa
  - Swains Islands

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A person is automatically a citizen at the time he/she is born if he/she is born in Puerto Rico.

Information on how to apply for evidence of citizenship

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A Person is automatically a citizen at the time he/she is born if he/she is born in Guam.

- Born in Guam on or after August 1, 1950 – As of August 1, 1950 Guam is considered a part of the United States for the purpose of immigration law.
- Born in Guam April 11, 1899 - July 31, 1950 – In general, a person born in Guam during this period was declared a United States citizen as of August 1, 1950 if he or she was also living on Guam on August 1, 1950.

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In general, a person born in the United States Virgin Islands is a United States citizen.

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American Samoa became a possession of the U.S. on February 16, 1900.

Swains Island became a possession of the U.S. on March 4, 1925.

In general, a person born in American Samoa or Swains Island is a United States NATIONAL, but not a citizen at birth if he/she:

- Is born in American Samoa and Swains Island after they became possessions of the United States or
- Is born before American Samoa and Swains Island became possessions of the United States but, at the time of birth, at least one parent was a U.S. citizen and had already lived in the United States for a continuous period of at least one year.

A naturalization applicant who is a national of the United States is eligible to file for naturalization if:

- The applicant becomes a resident of any U.S. state; and
- Are at least 18 years of age; and
- Must be a person of good moral character; and
- Must have the required knowledge of Civics and English; and
- Must support in the Constitution of the United States and be willing to take an oath of allegiance.
- Meet the Continuous residence requirement; and
- Have resided 3 months in a State or Service district where the naturalization will take place to meet physical presence requirement.
- Provide any required evidences as indicated on the Form N-400.

For U.S. nationals, residence and physical presence in an outlying possession of the United States will count as residence and physical presence in the United States.

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You were born:

- In Panama, including the Canal Zone
- In another foreign country

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You were born:

- In the Panama Canal Zone between February 26, 1904 and October 1, 1979
- In the Republic of Panama between February 26, 1904 and October 1, 1979
- In the Republic of Panama or the Canal Zone after October 1, 1979

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In general, you may have been a United States citizen at birth if:

- You were born in the Canal Zone between February 26, 1904 and October 1, 1979, and
- Your father or mother, or both, were citizens of the United States when you were born.

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In general, you may have been a United States citizen at birth if:

- You were born in the Republic of Panama, but outside the Canal Zone, on or between February 26, 1904 and October 1, 1979, and

- When you were born:
  - Your father or mother, or both, were United States citizens; and
  - Your father or mother was employed by the Government of the United States, or by the Panama Railroad Company.

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When you were born, was at least one of your parents already a United States Citizen?

- Yes
- No

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It appears you did not derive citizenship from a U.S. citizen parent.

However, if your parent became a U.S. citizen through naturalization or if you were adopted by a U.S. citizen, you may still have acquired citizenship after your birth.

Information about the acquisition of U.S. citizenship after birth

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When you were born, your parents were:

- Married to each other
- Not married to each other and your mother was a U.S. Citizen
- Not married to each other and your father was a U.S. Citizen

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When you were born:

- Both of your parents were United States Citizens
- One parent was a U.S. Citizen and the other parent was NOT a citizen or national of the U.S.
- One parent was a United States Citizen and one parent was a national of the U.S.

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In general, you may have been a U.S. citizen at birth if both parents were U.S. citizens at the time of your birth and one had a residence in the United States or one of its outlying possessions before your birth.

If one of your U.S. citizen parents did not have the required residence in the United States or its outlying possessions before you were born, then you did not automatically become a citizen at birth.

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In general, you may have been a United States citizen at birth if your United States citizen parent had already lived in the United States or its outlying possessions for a continuous period of at least one year before you were born.

If your U.S. citizen parent doesn't have the required residence or physical presence in the United States or its outlying possessions before you were born, then you did not automatically become a citizen at birth.

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In this instance, the determination of citizenship also depends on *when* you were born.

You were born:

- On or after November 14, 1986
- Between December 24, 1952 - November 13, 1986
- Between January 13, 1941 - December 23, 1952
- Between May 24, 1934 – January 12, 1941
- Before May 24, 1934

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In general, you may have been a U.S. citizen at birth if:

- Before you were born, your citizen parent had already lived in the United States (been physically present) for at least 5 years, and at least 2 of which were after your parent turned 14.

If your U.S. citizen parent does not have the required residence or physical presence in the United States before you were born, then you did not automatically become a citizen at birth.

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In general, you may have been a U.S. citizen at birth if:

- Before you were born, the citizen parent had already lived (been physically present) in the United States for at least **10** years, and at least **5** of which were after the parent turned 14.

  NOTE: Service in the military or work with a United States intelligence agency may count towards the physical presence requirement.

If your U.S. citizen parent does not have the required residence or physical presence in the United States before you were born, then you did not automatically become a citizen at birth.

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Did your citizen parent honorably serve in the United States military between December 7, 1941 and December 24, 1952?

- Yes
- No

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Did your citizen parent live in the United States (been physically present) for 10 years before you were born?

- Yes
- No

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Were at least 5 of those 10 years after your citizen parent was age 16?

- Yes
- No

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Did your citizen parent honorably serve in the United States military between December 7, 1941 and December 31, 1946?

- Yes
- No

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Did your citizen parent live in the United States (been physically present) for 10 years before you were born?

- Yes
- No

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Were at least 5 of those 10 years after your citizen parent was age 12?

- Yes
- No

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Did your citizen parent honorably serve in the United States military between January 1, 1947 and December 24, 1952?

- Yes
- No

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Did your citizen parent live in the United States for 10 years before you were born?

- Yes
- No

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Were at least 5 of those 10 years after your citizen parent was age 14?

- Yes
- No

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Did your **non-citizen** parent naturalize before you turned 18?

- Yes
- No

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Did you begin to live in the United States (been physically present) before you turned 18?

- Yes
- No

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Were you born between October 10, 1952 and December 23, 1952?

- Yes
- No

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Did you continuously live in the United States (been physically present) before October 27, 1972?

- Yes
- No

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Did you continuously live in the United States (been physically present) for 5 years between the ages of 14 and 28?

- Yes
- No

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Did you continuously live in the United States (been physically present) for 2 years between the ages of 14 and 28?

- Yes
- No

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Based on the information you provided, it appears you may have been a U.S.citizen at birth.

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If your U.S. citizen parent does not have the required residence or physical presence in the United States before you were born, then you did not automatically become a citizen at birth.

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It appears you did not derive citizenship at birth from a U.S. citizen parent.

If you still want to become a U.S. citizen, you will need to obtain permanent resident status and, generally, be at least 18 years old and a permanent resident for five years, and then apply for naturalization.

For more information about naturalization, Please see Volume 4.3.

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Did your citizen parent live in the United States (been physically present) for any length of time before you were born?

- Yes
- No

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Did your **non-citizen** parent naturalize before you turned 18?

- Yes
- No

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Did you begin living in the United States prior to turning 18?

- Yes
- No

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Were either of your parents employed by the United States government, or by certain American or international institutions?

- Yes
- No

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In order to have retained your citizenship, you must have continuously lived in the United States for certain periods of time based on when your residence in the United States began.

Have you ever been physically present and resided in the United States?

- Yes
- No

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Choose one:

Your residence began before December 24, 1952.

Your residence began before October 27, 1972.

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Did you reside in the United States for 5 years between the ages of 13 and 21?

- Yes
- No

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Did you live in the United States for 5 years between the ages of 14 and 28?

- Yes
- No

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In general, you may have been a U.S. citizen at birth if:

- Your parents were married when you were born, and
- The U.S. Citizen parent had lived in the United States for any length of time before you were born.

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You have stated that you were born to a U.S. citizen mother, who was not married to your father at the time of your birth.

You were born:

- On or after December 24, 1952
- Between May 24, 1934 and December 23, 1952
- Before May 24, 1934

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In general, you may have been a U.S. citizen at birth if your mother had already lived in United States (been physically present) for a continuous period of 1 year before you were born.

If your U.S. citizen parent does not have the required residence or physical presence in the United States before you were born, then you did not automatically become a citizen at birth.

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In general, you may have been a U.S. citizen at birth if your mother had already lived in United States for any length of time before you were born.

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In general, you may have been a U.S. citizen at birth if your mother had already lived in United States for any length of time before you were born.

There is one exception:

- If, before you turned 21 and before January 13, 1941, you were legitimated by a father who was not a United States citizen or national, you would not be considered a United States citizen.

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You have stated that you were born to a U.S. citizen father, who was not married to your mother at the time of your birth.

You were born:

- On or after November 14, 1986
- Between November 15, 1971 – November 13, 1986
- Between November 15, 1968 – November 14, 1971
- Between December 24, 1952 – November 14, 1968
- Between January 13, 1941 – December 23, 1952
- Between noon on May 24, 1934 and January 13, 1941
- Before noon on May 24, 1934

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In general, you may have been a United States citizen at birth if biological parentage has been established; **and**

- Your father had lived in the United States (been physically present) for at least 5 years, of which at least 2 were after age 14, before you were born - honorable military service and employment by United States government or with certain other organizations may be included;

AND

- Before you turned 18:
  - You became legally legitimate or legitimated under the laws where you resided, or
  - Your father acknowledged paternity in writing under oath; or
  - Paternity was established by court order;

AND

- If you are still under 18, your father, unless deceased, must have also agreed to support you financially until you turn 18.

If your U.S. citizen parent doesn't have the required residence or physical presence in the United States before you were born, then you did not automatically become a United States citizen at birth.

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In general, you may have been a United States citizen at birth if biological parentage has been established; **and**

- Your Father had lived in the United States (been physically present) for at least 10 years, of which at least 5 were after age 14, before you were born - honorable military service and employment by the United States government or with certain other organizations may be included;

AND

- Before you turned 18:
  - You became legally legitimate or legitimated under the laws where you resided, or
  - Your father acknowledged paternity in writing under oath; or
  - Paternity was established by court order;

AND

- If you are still under 18, your father, unless deceased, must have also agreed to support you financially until you turn 18.

If your U.S. citizen parent does not have the required residence or physical presence in the United States before you were born, then you did not automatically derive citizenship at birth from your parent.

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In general, you may have been a United States citizen at birth if biological parentage has been established; **and**

- Your father had lived in the United States (been physically present) for at least 10 years, of which at least 5 were after age 14, before you were born (honorable military service and employment by the United States government or with certain other organizations may be included); **and**
- Before you turned 21, you were legitimated under the laws where you or your father resided, **or**,
- Before you turned 18:
  - Your father acknowledged paternity in writing under oath; or
  - Paternity was established by court order.

If your U.S. citizen parent does not have the required residence or physical presence in the United States before you were born, then you did not automatically become a citizen at birth.

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In general, you were a United States citizen at birth if biological parentage has been established; **and**

- Your father had lived in the United States (been physically present) for at least 10 years, of which at least 5 were after age 14, before you were born (honorable military service and employment by the United States government or with certain other organizations may be included); **and**

- You were legitimated before you turned 21 under the law where you or your father resided.

If your U.S. citizen parent doesn't have the required residence or physical presence in the United States before you were born, then you did not automatically become a citizen at birth.

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In general, you may have been a United States citizen at birth if biological parentage has been established; **and**

- Your father had either:
  - Lived in the United States (been physically present) for at least 10 years, of which at least 5 were after age 14, before you were born, and you were legitimated before you turned 21 under the law where you or your father resided; **or**
  - Lived in the United States (been physically present) for at least 10 years, of which at least 5 were after age 16, before you were born, and you were legitimated by your father or the court before December 24, 1952; **and**
- You met or meet the applicable retention requirements as follows:
  - If your non-citizen parent naturalized before you turned 18, and you began to live in the United States before turning 18, there are no retention requirements;
  - If either parent was employed by the United States government, or by certain American or international institutions, there are no retention requirements;
  - If you were born between October 10, 1952 and December 23, 1952, there are no retention requirements;
  - Otherwise, to have retained citizenship, you must have continuously lived in the United States (been physically present) for either:
    - 2 years between ages 14 – 28; or
    - 5 years between ages 14 – 28 if the residence began before October 27, 1972.

If your U.S. citizen parent does not have the required residence or physical presence in the United States before you were born, then you did not automatically derive citizenship at birth from your parent.

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In general, you may have been a United States citizen at birth if biological parentage has been established; **and**

- Your father had lived in the United States for any length of time before you were born; **and**
- You were legitimated when you were born under the law where your father lived; **and**
    - You met or meet the applicable retention requirements as follows:
        - If your non-citizen parent naturalized before you turned 18, and you began to live in the United States before turning 18, there are no retention requirements;
        - If either parent was employed by the United States government, or by certain American or international institutions, there are no retention requirements;
        - Otherwise, to have retained citizenship, you must have continuously lived in the United States (been physically present) for either:
            - 5 years between ages 13 – 21 if residence began before December 24, 1952; or
            - 5 years between ages 14 – 28 if residence began before October 27, 1972; or
            - 2 years between ages 14 – 28.

Information on how to apply for evidence of citizenship

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In general, you may have been a United States citizen at birth if:

- Biological parentage has been established; **and**
- Your father had lived in the United States for any length of time before you were born; and
- You were legitimated when you were born under the law where your father lived at the time of your birth.

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Biological Parentage: Birth certificate of the child showing the name of the child's natural father or natural mother.

Physical Presence: The residence or physical presence requirement includes periods spent abroad while employed by the U.S. government or a specified U.S. international organization or as the dependent unmarried son or daughter member of the household of such employee.

Legitimate/Legitimated: A child can be legitimated through the marriage of his or her natural parents, by the laws of the country or state of the child's residence or domicile, or by the laws of the country or state of the father's residence or domicile.

Court Order: An order issued from a competent court of proper jurisdiction.

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Acquisition Of Citizenship After Your Birth

You were born outside the United States and neither of your birth parents were U.S. citizens at the time of your birth.

You are now:

- Under age 18
- Over age 18

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Is at least one of your parents a U.S. citizen now or, if deceased, was the parent from whom you are claiming acquisition a U.S. citizen at the time of his/her death?

- Yes
- No

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The information you have provided indicates you may not have acquired citizenship from a U.S. citizen parent.

In order to acquire citizenship, you must be a permanent resident before you turn 18 and at least one of your parents must be a U.S. citizen before you turn 18.

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Are you a permanent resident?

- Yes
- No

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Are you a permanent resident?

- Yes
- No

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The information you have provided indicates that you may not have automatically acquired citizenship from your U.S. citizen parent.

To automatically acquire citizenship under Section 320 of the Immigration and Nationality Act, you must be or have been under the age of 18 at the time at least one parent is or becomes a U.S. citizen and you must be or have been a permanent resident of the U.S. before you turn/turned age 18.

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Were you under age 18 when you became a permanent resident?

- Yes
- No

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Did one of your parents or both of your parents (whether living or now deceased) become a U.S. citizen before you turned 18?

- Both Parents **Note to Representative:** If one of the naturalized parents is a stepparent choose the "one parent" option, instruct the client to answer the questions based on the other parent.
- One Parent
- Neither Parent

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The information you have provided indicates that you may not have acquired citizenship. To acquire citizenship under Section 320 of the Immigration and Nationality Act you must be a permanent resident and at least one parent must have acquired U.S. citizen before you turn 18.

However, because you are a permanent resident, you may be interested in applying for citizenship through naturalization for yourself. For more information about naturalization, Please see Volume 4.3.

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The information provided indicates that you may have acquired citizenship from your U.S. citizen parents.

Information about how to get evidence of citizenship

For the law concerning acquisition of citizenship, see our website at www.uscis.gov under laws and regulations, the Immigration and Nationality Act, Section 322.

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On February 27, 2001, (the effective date of the Child Citizenship Act), you were:

- Under age 18
- Over age 18

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To acquire citizenship, you must have been under age 18 at the time the Child Citizenship Act became effective. You have indicated that you were over age 18 on February 27, 2001. Therefore, it appears you did not acquire citizenship from your U.S. citizen parent.

However, because you have indicated that you are a permanent resident over the age of 18, you may be interested in applying for citizenship through naturalization for yourself. For more information about naturalization, Please see Volume 4.3.

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To acquire citizenship based upon citizenship of a U.S. citizen parent, you must meet or have met the definition of a child under the Immigration and Nationality Act.

Self-guided tour to see if you meet the definition of a child for immigration purposes

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Your parent who is the U.S. citizen is your:

- Father
- Mother

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Your mother is your:

- Natural Mother (this person gave birth to you and you have not been adopted by another mother)
- Adoptive mother
- Stepmother

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Does your father's name appear on your birth certificate as the natural father?

- Yes
- No

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Was your father married to your mother when you were born?

- Yes
- No

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Do you or did you have evidence (financial support, letters to and from your father, etc.) that your father has maintained a valid parent-child relationship with you?

- Yes (You'll need to prove this if you apply for proof of citizenship.)
- No

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Is your father your stepfather?

- No
- Yes

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Are you an adopted child?

- No
- Yes

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It appears that you do not meet the definition of child for immigration purposes.

Information about the definition of child

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Has your father legitimated you through a court or other legal procedure under the law of his residence or domicile, or under the law of your residence or domicile?

- Yes
- No

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Did this legitimation take place before you turned 18 years old?

- Yes
- No

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Were you in the legal custody of this parent (father) at the time of such legitimation?

- Yes
- No

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Was the adoption finalized before you turned 16?

- Yes
- No

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Were/Are you the brother or sister of another child previously adopted by this same adoptive parent and was your brother or sister adopted before he/she turned 16?

- No. Stop. It appears that you do not meet definition of child. Information about the definition of child
- Yes

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Was your adoption finalized before you turned 18?

- No Note to Representative: Stop and state to applicants: It appears that you do not meet the definition of child.

  Information about the definition of child

- Yes

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Have you been/Were you in the legal custody of this parent for at least two years?

- No
- Yes

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Have you or did you reside with this parent in this parent's physical custody for two years?

- No
- Yes

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The information you have provided indicates that you do not/did not meet the definition of a child under immigration law for immigration purposes. Therefore, you did not acquire citizenship from your U.S. citizen parent.

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The information you have provided indicates that you are the step-child of a U.S. citizen. Stepchildren cannot acquire or otherwise derive citizenship from a U.S. citizen stepparent.

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The information provided indicates that you may have acquired citizenship from your U.S. citizen parent.

Information about how to get evidence of citizenship

For the law concerning acquisition of citizenship, see our website at www.uscis.gov under laws and regulations, the Immigration and Nationality Act, Section 322.

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It appears that your U.S. citizen parent (or if the citizen parent has died during the preceding 5 years, a citizen grandparent or citizen legal guardian) may be able to apply for a certificate of citizenship on your behalf. You will need to meet the following conditions:

- You are under the age of 18;
- You parent became a U.S. citizen and -
  - has (or, at the time of his or her death, had) been physically present in the United States or its outlying possessions for more than five years, at least two of which were after the age of 14 years; or
  - has (or, at the time of his or her death, had) a U.S. citizen parent who has been physically present in the United States or its outlying possessions for more than five years, at least two of which were after the age of 14 years;
- You are residing outside the U.S. in the legal and physical custody of the U.S. citizen parent (or, if the citizen parent is deceased, an individual who does not object to the application);
- You enter the United States in a legal status and maintain that status while in the U.S.

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Do you currently, normally reside outside the U.S. in the legal and physical custody of your U.S. citizen parent?

- Yes
- No

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It appears that you do not meet the requirements, which would allow your parent to apply for a certificate of citizenship on your behalf.

For more information about the Child Citizenship Act, see our website at www.uscis.gov.

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Has your U.S. citizen parent been physically present in the United States or its outlying possessions for at least 5 years, at least 2 of which were after he/she was 14 years of age?

- Yes
- No

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For your U.S. citizen parent to be able to apply for a certificate of citizenship on your behalf, you must also meet or have met the definition of a child under the Immigration and Nationality Act. Please note stepchildren cannot acquire citizenship from a U.S. citizen stepparent.

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Your parent who is the U.S. citizen is your:

- Father
- Mother

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Your mother is your:

- Natural Mother (this person gave birth to you and you have not been adopted by another mother)
- Adoptive mother
- Stepmother

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Does your father's name appear on your birth certificate as the natural father?

- Yes
- No

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Was your father married to your mother when you were born?

- Yes
- No

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Do you or did you have evidence (financial support, letters to and from your father, etc.) that your father has maintained a valid parent-child relationship with you?

- Yes You'll need to prove this if your parent applies on your behalf.
- No

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Is your father your stepfather?

- No
- Yes

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Are you an adopted child?

- No
- Yes

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Has your father legitimated you through a court or other procedure under the law of his residence or domicile, or under the law of your residence or domicile?

- Yes
- No

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Did this legitimation take place before you turned 18 years old?

- Yes
- No

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Were you in the legal custody of this parent (father) at the time of such legitimation?

- Yes
- No

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Was the adoption finalized before you turned 16?

- Yes
- No

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Were/Are you the brother or sister of another child previously adopted by this same adoptive parent and was your brother/sister adopted before he/she turned 16?

- No
- Yes

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Was your adoption finalized before you turned 18?

- No
- Yes

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Have you been/Were you in the legal custody of this parent for at least two years?

- No
- Yes

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Have you/did you reside with this parent in this parent's physical custody for two years?

- No
- Yes

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The information you have provided indicates that you do not/did not meet the definition of a child under immigration law for immigration purposes. Therefore, your parent may not be able to file an application on your behalf to obtain a certificate of citizenship for you.

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The information you have provided indicates that you are the stepchild of a U.S citizen. Stepchildren cannot acquire or otherwise derive citizenship from a U.S. citizen stepparent.

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Are you currently in the United States in a lawful temporary status?

- Yes
- No

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It appears that your U.S. citizen parent may file a Form N-600 (N-600K if you were adopted) in order to apply for a certificate of citizenship on your behalf by virtue of you having acquired U.S. citizenship.

Please note that both your U.S. citizen parent and you must appear in person before a Service officer for examination on the application for certificate of citizenship and that both the application and the decision on that application must be made before you turn 18 years of age.

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It appears that you may meet the requirements for acquisition of a certificate of citizenship if you come to the U.S. in a temporary status while under age 18. If you choose to come to the United States and do so while under the age of 18, your U.S. citizen parent may wish to pursue the filing of a Form N-600 (N-600K if the child was adopted) in order to apply for a certificate of citizenship on your behalf by virtue of you having acquired U.S. citizenship.

Please note both your U.S. citizen parent and you must appear in person before a Service officer for examination on the application for certificate of citizenship and that both the application and the decision on that application must be made before you turn 18.

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Does/Did your U.S. citizen parent have a U. S. citizen parent (a grandparent of your U.S. citizen parents side of the family) who has/had been physically present in the United States or its outlying possessions for at least 5 years, at least 2 of which were after the age of 14?

- Yes
- No

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It appears that from the information you have provided, it appears that neither your parent nor grandparent resided in the United States long enough for the required period(s) of time to confer citizenship upon you.

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FAQs about Determining Citizenship

- I am a U.S. citizen. My child will be born abroad, or recently was born abroad. How do I register his or her birth and U.S. citizenship?
- I was born overseas. My birth and U.S. citizenship were registered with the U.S. Embassy or Consulate. I need a copy of the evidence of my citizenship. Whom should I contact?
- I was born overseas. I believe I was a U.S. citizen at birth because one or both of my parents were U.S. citizens when I was born. But my birth and citizenship were not registered with the U.S. Embassy when I was born. Can I apply to have my citizenship recognized?
- I was born overseas. After I was born, my parent(s) became naturalized U.S. citizens. Could I have derived U.S. citizenship?
- What is meant by a "national but not a citizen"?

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I am a U.S. citizen. My child will be born abroad, or recently was born abroad. How do I register his or her birth and U.S. citizenship?

Please contact the U.S. State Department or the U.S. Embassy/Consulate in the country where your child will be born for more information about eligibility requirements and how to register your child's U.S. citizenship.

I was born overseas. My birth and U.S. citizenship were registered with the U.S. Embassy or Consulate. I need a copy of the evidence of my citizenship. Whom should I contact?

Contact the U.S. State Department. For more information, please see their website at www.travel.state.gov.

I was born overseas. I believe I was a U.S. citizen at birth because one or both of my parents were U.S. citizens when I was born. But my birth and citizenship were not registered with the U.S. Embassy when I was born. Can I apply to have my citizenship recognized?

Yes. But please note—whether or not someone born outside the U.S. to a U.S. citizen parent is a U.S. citizen depends on the law in effect when the person was born. These laws have changed over the years, but usually require a combination of the parent being a U.S. citizen when the child was born, and having lived in the U.S. or its possessions for a period of time. Derivative citizenship can be quite complex and may require careful legal analysis.

I was born overseas. After I was born, my parent(s) became naturalized U.S. citizens. Could I have derived U.S. citizenship?

If one of your parents naturalized after February 27, 2001, and you were a permanent resident and under 18 at the time, then you may have automatically derived U.S. citizenship. Before that date, you may have automatically acquired U.S. citizenship if you were a permanent resident and under 18 when both parents naturalized, or if you had only one parent when that parent naturalized. However, if your parent(s) naturalized after you were 18, then you will need to apply for naturalization on your own after you have been a permanent resident for at least 5 years.

What is meant a by "national but not a citizen?"

The Immigration and Nationality Act (INA) Section 308 provides for noncitizen nationals based on birth or parentage in unincorporated outlying possessions of the United States. Nationals are not citizens of the United States but may apply for naturalization under a special provision covered under INA Section 325.

Nationals who are not citizens cannot vote or hold elected office. Nationals may reside and work in the United States without restrictions. Nationals are also eligible to apply for citizenship if they take up residence in a State.

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Chapter 3	Helping a Relative Immigrate and Financially Sponsoring an Immigrating Alien
Unit 1	Helping a Relative Immigrate to the United States

OVERVIEW

One of the most common ways people immigrate is based on being the relative of a U.S. citizen. This process starts when a U.S. citizen files a petition for alien relative, Form I-130. U.S. citizens can file for their husband or wife, parents, married or unmarried children of any age, and brothers and sisters. However a U.S. citizen must be at least 21 years old to petition for his or her parents and for sisters and brothers. A U.S. citizen must file a separate petition for each of these relatives that they seek to sponsor. A U.S. citizen can only file a petition for those relatives listed on the Form I-130. When a U.S. citizen's family member immigrates, they may be able to bring his/her spouse and children under age 21 with them as dependents. When an I-130 is filed on behalf of a qualifying relative, this establishes a qualifying relationship that then will allow the relative to immigrate to the United States. Once a petition is approved by USCIS, this will allow the relative to apply for an immigrant visa or apply to adjust status to that of a permanent resident in the United States. However, certain relatives may have to wait in line for several years behind others already in line to immigrate. When your relative reaches the head of the line, the State Department will contact them and invite them to apply for an immigrant visa. Sponsoring a relative involves accepting some financial responsibility and filing an affidavit of support when the time comes for your relative to immigrate.

Prompt: It appears you are a U.S. Citizen interested in information about how to help a family member immigrate to the U.S. Is that correct?

- If yes, continue below.
- If no, go to where to start)

Information about Helping a Relative Immigrate to the United States

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For which relatives may I file?

Note to Representative: Select the relative the customer wants to help in the chart below to go to a self-guided tour for filing eligibility.

Any U.S. citizen (no age requirement) can file for the following relatives -	A U.S. citizen who is 21 or older can **also** file for the following relatives -
• Husband or wife • Unmarried Children Under Age 21 • Unmarried Son or Daughters over age 21 • Married Sons and Daughters	• Parents • Brothers and Sisters

In your petition, you will have to prove your relationship to the person for whom you are filing.

Other General FAQs -

- What does the petition do for my relative?
- Can I petition for other relatives?
- Which family members need a separate petition filed on his/her behalf?
- Which family members can apply for an immigrant visa or adjustment of status based on the principle beneficiary's approved petition?
- After I file, how long will it be before my relative can immigrate?
- Can my relative wait in the U.S. until he or she can apply to become a permanent resident?
- Does filing a relative petition commit me to anything?
- How do I file?
- Where do I file?
- What happens after I file?
- How long will it take USCIS to process my petition?
- What if I filed a petition for a relative when I was a permanent resident, but I am now a U.S. citizen?
- What is the filing fee for Form I-130?
- How do I know if my relative and I qualify?
- What is a Preference Category?
- What are priority dates and how do they work?
- What is the Child Status Protection Act (CSPA) and what does it mean for my child?

FAQs about financial sponsorship

FAQs about the USCIS Immigrant Fee

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What does the petition do for my relative?

Filing a relative petition and proving a qualifying relationship establishes the existence of a relationship between you and your relative and gives your relative a place in line with others waiting to immigrate from the same country or region based on the same type of relationship. When your relative reaches the front of the line, he or she may be eligible to immigrate after passing all requirements necessary to qualify for an immigrant visa or to adjust status. Your relative's place in line will be based on the date the petition is filed. Therefore, there is an advantage of filing as soon as possible. On the other hand, there is no waiting period for immediate relatives of U.S. citizens. That includes a U.S. citizen's spouse, parent, or unmarried child under 21 years of age.

Can I petition for other relatives?

The law limits eligibility to the spouse, unmarried child(ren) under age 21, unmarried son(s) or daughter(s) age 21 or older, married child(ren), parent(s) and sibling(s). We cannot approve a relative petition filed by a U.S. citizen on behalf of any other relatives.

Which family members need a separate petition filed on his/her behalf?

A separate petition must be filed on behalf of each eligible relative. According to the law, a spouse, unmarried child(ren) under age 21, unmarried son(s) or daughter(s) age 21 or older, married child(ren), parent(s) and sibling(s) are considered eligible relatives for whom a U.S. citizen can file a relative petition.

Which family members can apply for an immigrant visa or adjustment of status based on the principle beneficiary's approved petition?

Certain family members of non-immediate relatives may be able to apply for an immigrant visa or adjustment of status based on the principle beneficiary's approved petition.

At the time your unmarried son or daughter age 21 or older, married son or daughter, or sibling becomes eligible to immigrate, their spouse and/or unmarried child(ren) under 21 years of age may apply for an immigrant visa or adjustment of status based on your relative's approved petition.

If the child of your relative is married when the visa becomes available, he/she is no longer eligible to apply for an immigrant visa or adjustment of status based on the principle beneficiary's approved petition.

If the child of your relative turns 21 years of age before the visa becomes available, he/she may no longer be able to apply for an immigrant visa or adjustment of status based on the principle beneficiary's approved petition. In certain cases, the Child Status Protection Act may apply. For more information, please see the FAQs regarding the Child Status Protection Act.

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After I file, how long will it be before my relative can immigrate?

The law gives special consideration to immediate relatives of U.S. citizens, which includes a U.S. citizen's spouse, unmarried children under 21 years of age, and parents.

- The State Department will invite them to apply for an immigrant visa once we approve your petition.
- If they are already in the U.S. and entered legally, they may actually be able to file an application for permanent residence along with your relative petition.

Other family members must wait until there is a visa number available before they can apply for an immigrant visa or adjustment of status to a lawful permanent resident. Current wait times for visa categories are located under "Visa Bulletins" on the State Department's website at http://travel.state.gov/content/visas/english/law-and-policy/bulletin.html.

Can my relative wait in the U.S. until he or she can apply to become a permanent resident?

If your relative is outside the United States, filing an I-130 does not allow your relative to live or work in the United States. An approved I-130 petition only verifies your relationship with your relative. Your relative should not enter the U.S. and should wait outside the United States to immigrate legally.

If your husband or wife, unmarried child under 21 years, or parent is already in the United States after entering legally, they can apply for adjustment of status to permanent resident at the same time you file their Form I-130 on their behalf.

Does filing a relative petition commit me to anything?

Yes. Under the law, each person who immigrates based on a relative's petition must have a financial sponsor. If you choose to sponsor your relatives by filing Form I-130, when the time comes for your relative to immigrate to the United States, you must file Form I-864, Affidavit of Support, which verifies that you can financially support your relative, through your income or assets, when they arrive in the US. If you do not meet the financial eligibility requirement, other individuals will then need to make this commitment with you.

How do I file?

Follow the I-130 relative petition instructions and check our website for any updates on instructions or fees. Make sure your petition is complete. You will need to submit evidence of your U.S. citizenship, and evidence proving your qualifying relationship to each person for whom you are filing.

Where do I file?

A petitioner residing in the United States or Canada should file Form I-130 in accordance with the instructions on the Form I-130.

Note to Representative: Effective August 15, 2011, petitioners living abroad in a country **without** a USCIS office must file their petitions with the USCIS Chicago Lockbox, as noted in the instructions to Form I-130.

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What happens after I file?

If you filed by mail, we will mail you a receipt so you know we have your petition. If your petition is incomplete, we may have to reject it or ask you for more evidence or information, which will delay processing. Please carefully follow the I-130 instructions and send all required documents the first time to avoid delay.

We will notify you in writing when we make a decision.

- If your relative is already in the United States, he or she may apply to adjust status to become a green card holder (permanent resident) after a visa number becomes available using Form I-485.
- If your relative is outside the United States, your petition will be sent to the National Visa Center (NVC). The NVC will forward your petition to the appropriate U.S. consulate when a visa becomes available and your relative will be notified about how to proceed. You can get more information about immigrant visa processing from the State Department's website at www.travel.state.gov.

Your family member's preference category will determine how long he or she will have to wait for an immigrant visa number.

How long will it take USCIS to process my petition?

Note to Representative: Please provide the customer with the estimated processing time from the website, and then inform the customer of the following:

Processing time depends on a number of factors and any estimate that USCIS provides to its customers is only an estimate, not a guarantee. You can also check updated processing time estimates for an application or petition by visiting www.uscis.gov and selecting "See Office Case Processing Times" under the Tools tab. These estimates are updated monthly, typically after the 15th of the month.

What if I filed a petition for a relative when I was a permanent resident, but I am now a U.S. citizen?

If you become a U.S. citizen while your relative is waiting for a visa, you can upgrade your relative's visa classification by upgrading your petition. Spouse and unmarried children under age 21 and parents of U.S. citizens have visas immediately available to them.

If you become a U.S. citizen after your petition is already approved and sent to the State Department, you should notify the National Visa Center (NVC) that you have become a U.S. citizen by sending a copy of your naturalization certificate to the NVC. Please include a letter with information regarding your relative and a copy of the petition approval that you wish to upgrade. The address for the NVC is:

National Visa Center
Attn: WC
31 Rochester Avenue, Suite 200
Portsmouth, NH 03801-2915

You can find additional contact information and instructions for sending an inquiry to the NVC on the Department of State's website.

If your relative is your spouse and he/she has children who are your stepchildren or adopted, and you did not file separate petitions for them, you must file separate petitions for them now with evidence of your U.S. citizenship.

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How do I know if my relative and I qualify?

While we cannot tell you whether you are eligible for a benefit and cannot advise you whether or not to file for a benefit, we can ask you some questions to help you determine basic filing requirements. We can also give you some definitions in immigration law about certain relationships.

Note to Representative: Ask what relative the customer is interested in helping to become a permanent resident.

- For help related to filing for a SPOUSE
- For help related to filing for an UNMARRIED CHILD *UNDER* AGE 21
- For help related to filing for an UNMARRIED SON/DAUGHTER *OVER* AGE 21
- For help related to filing for a MARRIED SON/DAUGHTER
- For help related to filing for a BROTHER/SISTER
- For help related to filing for a PARENT

What is a Preference Category?

Preference categories include family relationships that are not immediate relatives and have annual numerical limits. A visa becomes available to a preference category based on the priority date (the date the Form I-130 was filed). The following are preference categories:

- **First preference**: Unmarried, adult sons and daughters of U.S. citizens (adult means 21 or older.);
- **Second Preference (2A)**: Spouses of green card holders, unmarried children (under 21) of permanent residents;
- **Second Preference (2B)**: Unmarried adult sons and daughters of permanent residents;
- **Third Preference**: Married sons and daughters (any age) of U.S. citizens;
- **Fourth Preference**: Brothers and sisters of adult U.S. citizens.

Your family member's preference category will determine how long he or she will have to wait for an immigrant visa number. Once you have filed a petition, you can check its progress on "Check My Case Status" on the USCIS website.

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What are priority dates and how do they work?

A priority date is the date that USCIS has received a properly filed visa petition. The priority date can be found on the top portion of a visa petition approval notice. A priority date, coupled with the preference category, determines when your relative will be eligible to immigrate to the United States.Priority dates are used to make sure that each eligible person within an immigrant category is considered in chronological order. In other words, a priority date is the person's place in line to immigrate.

If your immigrant visa category is that of an immediate relative, then your case and priority date are automatically current. To determine whether a priority date is current for your relative, please refer to the Department of State Visa Bulletin. Beginning with the October 2015 visa bulletin, the Department of State will publish two charts:

- An "Application Final Action Dates" chart, which shows what priority dates are current for the purpose of issuing immigrant visas and when individuals may file their adjustment of status application, and
- A "Dates for Filing Visa Applications" chart, indicating when immigrant visa applicants should be notified to assemble and submit required documentation to the National Visa Center.

If USCIS determines that there are more immigrant visas available for the fiscal year than there are known applicants for such visas, the "Dates for Filing Visa Applications" chart" may be used to determine when to file an adjustment of status application with USCIS.

What is the Child Status Protection Act (CSPA) and What Does it Mean for my Child?

The CSPA changes who can be considered a "child" for the purpose of the issuance of visas by the Department of State and for the purpose of adjustment of status to that of permanent resident by USCIS. The Act provides that if you are a U.S. citizen and you file a Form I-130, *Petition for Alien Relative*, on behalf of your child before he or she turns 21, your child will continue to be considered a child for immigration purposes even if USCIS does not act on the petition before your child turns 21. Children of lawful permanent residents also benefit if a Form I-130 is filed on behalf of their children.

Note to Representative: If the customer needs additional information about the CSPA, please select from below:

Unmarried sons and daughters of U.S. citizens

- What advantage(s) does the Child Status Protection Act provide to unmarried sons and daughters of U.S. citizens that are eligible?
- What are the eligibility requirements unmarried sons and daughters of U.S. citizens must meet in order to qualify for the Child Status Protection Act?

Unmarried sons and daughters of permanent residents who later become U.S. citizens

- What benefit does the Child Status Protection Act have for the unmarried sons and daughters of permanent residents who later become U.S. citizens?
- Why would the unmarried sons and daughters of permanent residents who later become U.S. citizens elect not to have such a conversion?

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What advantage(s) does the Child Status Protection Act provide to unmarried sons and daughters of U.S. citizens that are eligible?

The new law allows unmarried sons and daughters of U.S. citizens to remain as the immediate relatives of a U.S. citizen rather than being converted to a first preference category, when they reach age 21. This may mean a shorter waiting time for your son or daughter to immigrate to the United States.

They remain eligible immediate relatives and do not "age out" or have to wait for a visa to become available in another preference category to apply for an immigrant visa or adjust status in the U.S. since they are not subject to visa availability. Therefore, they are eligible to apply for adjustment of status or an immigrant visa almost immediately upon approval of an immigrant petition, even though they reached age 21.

What are the eligibility requirements unmarried sons and daughters of U.S. citizens must meet in order to qualify for the Child Status Protection Act?

In order to qualify for this benefit as unmarried sons and daughters of U.S. citizens, The U.S. citizen petitioner must:

- Be a U.S. citizen prior to the child's 21st birthday *and*
- Have filed an immigrant petition on behalf of the son or daughter before the son or daughter turned 21.

In addition, the son or daughter must:

- Have been under 21 at the time the immigrant visa was filed,
- Have met the definition of a child at the time the immigrant visa petition was filed, and
- Remain unmarried throughout the visa process.

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What benefit does the Child Status Protection Act have for the unmarried sons and daughters of permanent residents who later become U.S. citizens?

The unmarried son or daughter of a permanent resident who later becomes a U.S. citizen may now elect not to have their preference category converted from second preference to first preference. If the son or daughter elects to do this, he or she will maintain the second preference category of an unmarried son or daughter of a permanent resident as long as they remain unmarried.

If the son or daughter elects to remain in the second preference category, he or she needs to submit a written request to the appropriate USCIS Service Center if he or she will be adjusting status in the U.S. If they will be adjusting status abroad, then the written request needs to be submitted to the National Visa Center.

Why would the unmarried sons and daughters of permanent residents who later become U.S. citizens elect not to have such a conversion?

When a permanent resident parent becomes a U.S. citizen after the unmarried son or daughter turns 21 years of age, the son or daughter would automatically become the unmarried son or daughter, over age 21, of a U.S. citizen. The category of the son or daughter would automatically be converted from second preference to that of first preference, accordingly. This may mean a longer wait for a visa to become available.

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Your spouse is currently:

- Inside the U.S.
- Outside the U.S.

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He/she entered the United States:

- Legally
- Illegally

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Your spouse entered the U.S. in what nonimmigrant category? (Choose one status below)

Nonimmigrant Categories	
Diplomats and Government Representatives, and their staffs	
A	Diplomatic Personnel
C2	Representative in transit to or from the United Nations Headquarters District
C3	Government Representatives in transit through the U.S.
G	Other Government Representatives
NATO	NATO personnel on assignment to the U.S.
Tourists and Visitors on business	
B	Tourists and Visitors on Business including citizens of Canada entering without a visa
WB	Visitors coming temporarily on business admitted under the Visa Waiver Program
WT	Tourists admitted under the Visa Waiver program
Guam Visa Waiver	Tourists Admitted only to Guam under Special Visa Waiver
Students and Exchange Visitors, and their dependents	
F	Academic Students
J	Exchange Program Visitors
M	Vocational Students
Fiancé(e)s and certain relatives of U.S. citizens and Permanent Residents	
K1 K2	Fiancé(e)s of U.S. citizens and their dependent children (also see U.S. citizen services)
K3 K4	Certain Husbands and Wives of U.S. citizens, and their dependent children
V	Certain Relatives of a Permanent Resident (LIFE Act)
Others	
C1, TWOV	Persons transiting the U.S.
S U	Certain Informants and victims of criminal activity in the U.S.
T	Victims of Trafficking
Parolee	Person paroled into U.S. temporarily
Nonimmigrant Workers and their dependents	
D	Crewmembers
E	Treaty Traders and Treaty Investors based on a bilateral treaty, and dependents
H1B	Temporary Workers in Specialty Occupations
H1C	Registered Nurses
H2A	Temporary Agricultural Workers
H2B	Temporary skilled and unskilled workers
H3	Trainees
H4	Dependents of H1-3 workers and trainees
I	Representatives of Foreign Information Media
L	Intra-Company Transferees
O	Persons with Extraordinary Ability and their support personnel
P1	Internationally recognized Athletes and Entertainers
P2	Artists and Entertainers pursuant to Exchange Agreements
P3	Culturally Unique Artists and Entertainers
P4	Dependents of 'P' athletes, artists and entertainers
Q1	International Cultural Exchange Visitors
Q2, Q3	Irish Peace Process cultural training program participants
R	Religious Workers
TN1, TD	Canadian professionals under NAFTA (North American Free Trade Agreement)
TN2, TD	Mexican professionals under NAFTA (North American Free Trade Agreement)

Were you the petitioner on the I-129F from which your spouse obtained his/her K-1 or K-3 visa?

- Yes
- No

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Since you were the petitioner on the I-129F from which your spouse obtained his/her K1 or K3 status, your spouse may be able to file for permanent resident status now. Information about how to file for permanent resident status

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If your spouse was subject to the two-year foreign residence requirement, has he/she obtained a waiver of the two-year foreign residence requirement through approval by USCIS? (If your spouse was not subject to this requirement, please select "yes" below.)

- Yes
- No

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Has your spouse obtained a certification from the Department of State or NATO on Form I-566?

- Yes
- No

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Is your relative currently in immigration proceedings (deportation, removal, etc.)?

- Yes
- No

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It appears that you may want to file the Form I-130 for your relative. However, the Immigration Judge may have to determine if your relative is eligible to adjust status in the United States.

Please be advised that if your relative is your spouse and you were married after the proceedings were started against him/her, there is a general prohibition against approval of that visa petition. If you file Form I-130, you must request an exemption from that prohibition. No application or fee is required to request an exemption. The request must be made in writing and submitted with the Form I-130.

Please note that if your spouse has a child or children who would meet the definition of your child, step-child or adopted child under immigration law, then your spouse's child cannot derive benefits from the I-130 that you file for your spouse and you will need to file a separate Form I-130 for each child.

More information if your spouse has a child or children.

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It appears that you may want to file a Form I-130 for your relative and your relative may wish to file the Form I-485, Application to Register Permanent Residence or Adjust Status, concurrently with the I-130. Even if your relative is now currently out of status, as long as he/she made a lawful entry into the United States, he/she may be able to apply for adjustment of status.

If you choose to file these forms concurrently, you will need to file the Forms G-325A, I-693, and I-864 as well. You may also file Forms I-765 and I-131. These forms can be downloaded from our website at www.uscis.gov/forms. If you decide to file, you will also need to include all appropriate fees.

Note to Representative: Provide the information below if the relative being petitioned for is the spouse.

Please note that if for your spouse has a child or children who would meet the definition of your child, step-child or adopted child under immigration law, then your spouse's child cannot derive benefits from the I-130 that you file for your spouse and you will need to file a separate Form I-130 for each child.

More information if your spouse has a child or children.

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It appears that you may want to file a Form I-130 for your relative. Unfortunately, he/she cannot file to adjust his/her status to permanent resident while physically present in the United States. Therefore, he/she will need to apply for the immigrant visa outside the United States at a U.S. Consulate.

If the Form I-130 is approved, it will be sent to the State Department's National Visa Center (NVC). The NVC will forward it to the U.S. Consulate nearest of your relative's country of origin. At that time, both you and your relative will be notified by mail regarding the fee associated with the visa, and document collection. Your relative will be invited to apply for his/her immigrant visa outside the United States at a U.S. Consulate.

You can download the necessary forms from our website at www.uscis.gov.

Visa processing times vary depending upon the visa category and country of origin of your relative. For more information about visa processing and availability, please see the visa availability list at the State Department's website at www.state.gov.

Please note that if filing for your spouse and your spouse has a child or children who would meet the definition of your child, step-child or adopted child under immigration law, then your spouse's child cannot derive benefits from the I-130 that you file for your spouse and you will need to file a separate Form I-130 for each child.

More information if your spouse has a child or children.

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It appears you may want to file a Form I-130 for your relative. After the I-130 is approved, it will be sent to the State department's National Visa Center, which will prepare it for the Consulate nearest your relative's place of residence. At that time, you and your relative will be contacted by mail regarding the fee associated with the visa application, and document collection. Your relative may be invited to apply for his/her immigrant visa outside the United States at the U.S. Consulate.

NOTE: U.S. Citizens who live abroad may continue to file new petitions with a nearby USCIS international office. A list of offices and the countries they serve is on the USCIS website at www.uscis.gov/international.

You may download the necessary forms, including a Form I-130 and G-325A (for Biographic Information) from our website at www.uscis.gov.

Visa processing times vary depending upon the visa category and country of origin of the relative. For more information about visa processing and availability, please see the visa availability list at the State Department's website at www.state.gov.

After you file Form I-130, your spouse may be able to get a K-3 visa to enter the United States while the I-130 is pending with USCIS. If he/she has any children, those children may be eligible for a K-4 visa as well to join your spouse here in the United States.

Would you like more information about the K-3 or K-4 visa at this time?

- Yes
- No. If no, please continue below.

Please note that if your spouse has a child or children who would meet the definition of your child, step-child or adopted child under immigration law, then your spouse's child cannot derive benefits from the I-130 that you file for your spouse and you will need to file a separate Form I-130 for each child.

More information if your spouse has a child or children

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Let me ask you some other important questions

Is your spouse's child married?

- Yes
- If No: Continue below

How old is this child?

- Over 21
- Under 21

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How is "spouse" defined in accordance with immigration law?

In order to obtain immigration benefits available to a "spouse", there must be a valid and subsisting marriage between the parties. Generally, marriage is valid for immigration purpose if it is recognized by the law of the state or the country where it occurred.

A religious ceremony by itself may not be sufficient for immigration purposes. Common-law marriages may be recognized for immigration purposes if the civil authority in the state of residence recognizes them as legal marriages. Furthermore, any marriage considered contrary to public policy is not recognized by USCIS.

What is the definition of "child" under immigration law?

Immigration law defines a "child" as a person who is:

1. Unmarried, **AND**
2. Under age 21, **AND**
3. One of the below:

- BORN TO MARRIED PARENTS (Born to parents who are married to each other (born in wedlock)) OR
- BORN OUT OF WEDLOCK (A child born out of wedlock (the parents were not married at the time the child was born)). Note: If the father is filing the petition, proof of a bona fide (real and established) relationship with the father must be supplied. OR
- STEPCHILDREN (A stepchild if the marriage creating the step-relationship took place before the child reached the age of 18) OR
- ADOPTED BUT DID NOT USE SPECIAL ORPHAN PETITION PROCESS (An adopted child if the child was adopted before the age of 16 and has lived with the adoptive parent(s) in their legal custody for at least two years) OR
- ORPHANS:
  - A child adopted who is under the age of 18 and the natural sibling of an orphan or adopted child under the age of 16, if adopted with or after the sibling. OR
  - An orphan under the age of 16 when an adoptive or prospective adoptive parent files a visa petition on his or her behalf, who has been adopted abroad by a U.S. citizen or is coming to the U.S. for adoption by a U.S. citizen.

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NOTE: If an unmarried child under age 21 of a U.S. citizen has a petition filed in his/her behalf while under the age of 21, he/she is considered a child even if he/she turns 21 after the petition is filed. For more information see the Child Status Protection Act.

You, the petitioner, are the:

- Father
- Mother

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You are the:

- Natural Mother
- Adoptive mother
- Stepmother

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Did you marry the child's mother/father before the child turned 18?

- Yes
- No **Note to Representative**: Stop. Child does not meet definition of child. Information about the definition of a child

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Does your name appear on the birth certificate of this child as the natural father?

- Yes
- No

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Were you married to this child's mother when the child was born?

- No
- Yes

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Do you or did you have evidence that you have maintained a valid parent-child relationship with the child?

- Yes You'll need to prove this if you file a petition for the child.
- No

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Is this child your stepchild?

- No
- Yes

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Is this child your adopted child?

- Yes
- No **Note to Representative**: Stop. Child does not meet definition of child. Information about the definition of child

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Have you legitimated this child under the law of the child's residence or domicile, or under the law of your residence or domicile?

- Yes
- No **Note to Representative**: Stop. Child does not meet definition of child. Information about the definition of a child

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Did this legitimation take place before the child reached the age of eighteen years?

- Yes
- No **Note to Representative**: Child does not meet the definition of a child. Information about the definition of a child

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Was the child in your legal custody at the time of such legitimation?

- Yes
- No **Note to Representative**: Stop. Child does not meet definition of child. Information about the definition of a child

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Was the adoption finalized before the child turned 16?

- Yes
- No

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Was this child the brother or sister of another child you previously adopted while the first child was under 16?

- Yes
- No **Note to Representative**: Stop. Child does not meet definition of child. Information about the definition of a child

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Was the adoption of this brother or sister of the first adopted child finalized before this sibling turned 18?

- Yes.
- No **Note to Representative**: Stop. Child does not meet definition of child. Information about the definition of a child

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Has the child been in your legal custody for two years?

- Yes.
- No **Note to Representative**: Stop. Child does not meet definition of child. Information about the definition of a child

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Has the child resided with you in your physical custody for two years?

- Yes
- No **Note to Representative**: Stop. Child does not meet definition of child for immigration purposes.

Information about the definition of an adopted child

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In order to help a brother or sister become a permanent resident, you must first be a U.S. citizen and be 21 years or older.

You have stated that you are a U.S. Citizen, correct?

- Yes
- No **Note to Representative**: Stop. The customer cannot help his/her brother/sister become a permanent resident unless the customer is a U.S. citizen

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Are you age 21 or older?

- Yes
- No **Note to Representative:** Stop. The customer cannot help his/her brother/sister become a permanent resident unless the customer is a U.S. citizen age 21 or older.

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In order to help a brother/sister get permanent resident status, both you and your brother/sister must have, at one time, met the definition of a "child" under immigration law of at least one common parent. This means that at least one parent, either your father or mother, must have been the father or mother of your brother/sister as well as being your father or mother under immigration law.

Now, let's determine if your brother/sister met or meets the definition of a child under immigration law so you can help your brother/sister become a permanent resident.

You want to petition for your:

- Natural Brother/Sister (you have the same birth mother or birth father and neither of you has been adopted)
- Stepbrother/Stepsister (your father married your brother's/sister's mother or your mother married your brother's/sister's father)
- Adopted brother/sister (you and/or your brother/sister were adopted by the same adoptive parent(s))

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Did your brother's/sister's parent marry your mother/father before you turned 18?

- Yes
- No **Note to Representative**: Stop. Information about the definition of a child or stepchild

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Are you or your brother/sister an adopted child?

- Yes
- No **Note to Representative:** Stop. Information about the definition of a child

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Was the adoption finalized before the adopted child turned 16?

- Yes
- No

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Are you the brother or sister of another child previously adopted by this same adoptive parent, and was your brother/sister adopted before he/she turned 16?

- Yes
- No **Note to Representative**: Stop. Information about the definition of a child

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Was your adoption finalized before you turned 18?

- Yes
- No **Note to Representative:** Stop. Information about the definition of a child

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Was the adopted child in the legal custody of this parent for at least two years?

- Yes
- No **Note to Representative:** Stop. Information about the definition of a child

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Did the adopted child reside with the adoptive parent in this parent's physical custody for two years?

- Yes
- No **Note to Representative**: Stop. The customer's child does not meet definition of "adopted child".

Information about the definition of an adopted child

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In order to help a parent become a permanent resident, you must first be a U.S. citizen and be age 21 or older.

You have stated that you are a U.S. Citizen, correct?

- Yes
- No **Note to Representative:** Stop. The customer cannot help his/her parent become a permanent resident unless the customer is a U.S. citizen.

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Are you age 21 or older?

- Yes
- No **Note to Representative:** Stop. The customer cannot help his/her parent become a permanent resident unless the customer is a U.S. citizen age 21 or older.

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First, let's determine if you met or meet the definition of a child under immigration law so you can help your parent become a permanent resident.

You want to petition for your:

- Father
- Mother

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Your mother is your:

- Natural Mother (this person gave birth to you and you have not been adopted by another mother)
- Adoptive mother
- Stepmother

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Did this step-parent marry your biological mother/father before you turned 18?

- Yes
- No

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Does the name of the person you are trying to help become a permanent resident appear on your birth certificate as your natural father?

- Yes
- No

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Was your father married to your mother when you were born?

- Yes
- No

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Do you or did you have evidence (financial support, letters to and from your father, etc.) that your father has maintained a valid parent-child relationship with you?

- Yes (You'll need to prove this if you file a petition for your parent.)
- No

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Is the person your step-parent?

- No
- Yes

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Are you an adopted child?

- Yes
- No

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Has your father legitimated you under the law of his residence or domicile, or under the law of your residence or domicile?

- No
- Yes

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Note to Representative: Stop. It appears that the customer does not meet the definition of a child for immigration purposes.

Information about the definition of a child

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Did this legitimation take place before the child reached the age of 18 years?

- No
- Yes

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Were you in the legal custody of this parent (father) at the time of such legitimation?

- Yes
- No

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Was the adoption finalized before you turned 16?

- Yes
- No

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Were/Are you the brother or sister of another child previously adopted by this same adoptive parent and was your brother/sister adopted before he/she turned 16?

- Yes
- No

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Was your adoption finalized before you turned 18?

- Yes
- No

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Have you been/Were you in the legal custody of this parent for at least two years?

- Yes
- No

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Have you/Did you reside with this parent in this parent's physical custody for two years?

- Yes
- No

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Your relative is currently:

- Inside the U.S.
- Outside the U.S.

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He/she entered the United States:

- Legally
- Illegally

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Under what visa category or other legal status did your relative enter the U.S.? (Choose one below)

Nonimmigrant Categories			
Diplomats and Government Representatives, and their staffs		**Nonimmigrant Workers and their dependents**	
A	Diplomatic Personnel	D	Crewmembers
C2	Representative in transit to or from the United Nations Headquarters District	E	Treaty Traders and Treaty Investors based on a bilateral treaty, and dependents
C3	Government Representatives in transit through the U.S.	H1B	Temporary Workers in Specialty Occupations
G	Other Government Representatives	H1C	Registered Nurses
NATO	NATO personnel on assignment to the U.S.	H2A	Temporary Agricultural Workers
Tourists and Visitors on business		H2B	Temporary skilled and unskilled workers
B	Tourists and Visitors on Business including citizens of Canada entering without a visa	H3	Trainees
WB	Visitors coming temporarily on business admitted under the Visa Waiver Program	H4	Dependents of H1-3 workers and trainees
		I	Representatives of Foreign Information Media
WT	Tourists admitted under the Visa Waiver program	L	Intra-Company Transferees
Guam Visa Waiver	Tourists Admitted only to Guam under Special Visa Waiver	O	Persons with Extraordinary Ability and their support personnel
Students and Exchange Visitors, and their dependents			
F	Academic Students	P1	Internationally recognized Athletes and Entertainers
J	Exchange Program Visitors	P2	Artists and Entertainers pursuant to Exchange Agreements
M	Vocational Students	P3	Culturally Unique Artists and Entertainers
Certain relatives of Permanent Residents		P4	Dependents of 'P' athletes, artists and entertainers
K1 K2	Fiancé(e)s of U.S. citizens and their dependent children (also see U.S. citizen services)	Q1	International Cultural Exchange Visitors
		Q2, Q3	Irish Peace Process cultural training program participants
K3 K4	Certain Husbands and Wives of U.S. citizens, and their dependent children	R	Religious Workers
V	Certain Relatives of a Permanent Resident (LIFE Act)	TN1, TD	Canadian professionals under NAFTA (North American Free Trade Agreement)
Others		TN2, TD	Mexican professionals under NAFTA (North American Free Trade Agreement)
C1, TWOV	Persons transiting the U.S.		
S U	Certain Informants and victims of criminal activity in the U.S.		
T	Victims of Trafficking		
Parolee	Person paroled into U.S. temporarily		

Has your relative obtained a waiver of the two-year foreign residence requirement through approval by USCIS on a Form I-612?

- Yes
- No

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Has your relative obtained a certification from the Department of State or NATO on Form I-566?

- Yes
- No

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Has your relative received a waiver to waive the 2-year foreign residence requirement?

- Yes
- No

It appears you may want to file Form I-130 on behalf for your relative. In order for your relative to be eligible to apply for permanent resident status in the United States, he/she must first file for and receive a waiver of the 2-year foreign residence requirement. If your relative wants to apply for this waiver, he/she should file the Form I-612.

Once he/she receives the approved waiver, he/she may be able to file Form I-485, Application for Permanent Residence or to Adjust Status, in the United States.

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Has your relative received a waiver from the Department of State, allowing them to apply for permanent resident status?

- Yes
- No

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It appears you may want to file the Form I-130 on behalf of your relative. Please note that in order for your relative to be eligible to apply for permanent resident status here in the U.S., your relative must first request and receive a waiver from the State Department by filing a Form I-566 with the U.S. Department of State. Once your relative receives the approved waiver, he/she may file Form I-485, Application for Permanent Residence or to Adjust Status.

Note to Representative: If the caller is interested in petitioning for a SPOUSE, continue below, otherwise begin closing call:

IF BENEFICIARY IS SPOUSE, STATE: Please note that if your spouse has a child or children who would meet the definition of your child, step-child or adopted child under immigration law, then your spouse's child cannot derive benefits from the I-130 that you file for your spouse and you will need to file a separate Form I-130 for each child. Please use this link for more information if your spouse has a child or children.

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Is your parent currently in immigration proceedings (deportation, removal, etc.)?

- Yes
- No

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It appears that you may want to file the Form I-130 for your parent. However, the Immigration Judge may have to determine if your relative is eligible to adjust status in the United States.

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It appears that you may want to file a Form I-130 for your parent(s) and your parent(s) may wish to file the Form I-485, Application to Register Permanent Residence or Adjust Status, concurrently with the I-130. Even if your parent(s) is/are now currently out of status, as long as he/she made a lawful entry into the United States, he/she may be able to apply for adjustment of status.

If you choose to file these forms concurrently, you will need to file the Forms G-325A, I-693, and I-864 as well. You may also file Forms I-765 and I-131. These forms can be downloaded from our website at www.uscis.gov/forms. If you decide to file, you will also need to include all appropriate fees.

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It appears that you may want to file a Form I-130 for your relative. For additional information, please follow the instructions on Form I-130.

NOTE: U.S. Citizens who live abroad may continue to file new petitions with a nearby USCIS international office. A list of offices and the countries they serve is on the USCIS website at www.uscis.gov/international.

If the Form I-130 is approved, it will be sent to the National Visa Center (NVC). The NVC will forward it to the appropriate U.S. Consulate and they will contact you by mail regarding visa fee and document collection.

The priority date (the filing date of the I-130) must be current before your relative will be eligible to file for an immigrant visa. Once the visa is available, both you and your relative will be notified and your relative will be invited to apply for his/her immigrant visa outside the United States at a U.S. Consulate.

General FAQs about a U.S. Citizen helping a family member become a permanent resident

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It appears that you may want to file a Form I-130 for your relative. For additional information, please follow the instructions on Form I-130.

NOTE: U.S. Citizens who live abroad may continue to file new petitions with a nearby USCIS international office. A list of offices and the countries they serve is on the USCIS website at www.uscis.gov/international.

If the Form I-130 is approved, it will be sent to the National Visa Center (NVC). The NVC will forward it to the appropriate U.S. Consulate and they will contact you by mail regarding visa fee and document collection.

The priority date (the filing date of the I-130) must be current before your relative will be eligible to file for an immigrant visa. Once the visa is available, both you and your relative will be notified and your relative will be invited to apply for his/her immigrant visa outside the United States at a U.S. Consulate.

General FAQs about a U.S. Citizen helping a family member become a permanent resident

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You may file Form I-130 for your spouse. After Form I-130 is approved and sent to the U.S. Consulate nearest to your relative's place of residence, your relative may apply for his/her immigrant visa outside the United States at a U.S. Consulate. However, your spouse may be eligible for a K-3 visa to enter the United States while the Form I-130 is pending with USCIS. Information about the K-3 visa

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It appears that you may want to file Form I-130 for your relative. Unfortunately, he/she cannot file to adjust his/her status to permanent resident while physically present in the United States. Therefore, he/she will need to apply for the immigrant visa outside the United States at a U.S. Consulate.

If the Form I-130 is approved, it will be sent to the National Visa Center (NVC). The NVC will pre-process it and forward it to the appropriate U.S. Consulate and they will contact you by mail regarding the fee associated with the visa, and document collection.

The priority date (the filing date of the I-130) must be current before your relative will be eligible to file for an immigrant visa. Once visa is available, both you and your relative will be notified and your relative will be invited to apply for his/her immigrant visa outside the United States at a U.S. Consulate.

General FAQs about a U.S. Citizen helping a family member become a permanent resident

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Because he/she is in a category that has a limited amount of visas available, your relative may have to wait years before becoming eligible for the visa. The State Department will contact you when the date that your relative may apply for an immigrant visa draws near. If your relative is outside the United States at that time or is in the U.S. but not in a legal status, your relative will be required to apply for a visa outside the United States at a U.S. Consulate. If your relative is in the United States in a legal status at the time his/her immigrant visa becomes available, he/she may be able to file for permanent resident status in the U.S.

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It appears you may wish to file Form I-130 for your relative with the USCIS Lockbox. For additional information, please follow the instructions on Form I-130.

Your family member is not eligible to apply for permanent resident status at the same time you file Form I-130, whether he/she is inside or outside the U.S. Even if in the U.S., regardless of how he/she entered or his/her present status in the U.S., he/she would be in a visa category that has limited amounts of visas available. His/Her priority date (the filing date of the I-130) must be current as indicated by the State Department's Visa bulletin before he/she will be eligible to file for an immigrant visa. Beginning with the October 2015 visa bulletin, the Department of State will publish two charts:

- An "Application Final Action Dates" chart, which shows what priority dates are current for the purpose of issuing immigrant visas, and
- A "Dates for Filing Visa Applications" chart, indicating when immigrant visa applicants should be notified to assemble and submit required documentation to the National Visa Center.

Also, please note that your son/daughter must have, at one time, met the definition of child under immigration law in order for you to help them immigrate.

Information about the definition of child

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It appears that you cannot file an immigrant or fiancé (e) visa petition at this time.

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Chapter 3	Helping a Relative Immigrate and Financially Sponsoring an Immigrating Alien
Unit 2	Filing for a K-3/K-4 Nonimmigrant

OVERVIEW

In addition to filing a relative petition for their spouse, a U.S. citizen also has the option to file a separate petition for their husband or wife to come to the U.S. as a K-3 nonimmigrant. We understand that it can take some time to process the Form I-130 and then for the Department of State to issue an immigrant visa, so this option allows the family to be together in the U.S. while they go through the process. The K-3 visa classification allows the spouse of a U.S. citizen to enter the U.S. in order to apply for adjustment of status to permanent resident instead of waiting for the U.S. Consulate to process and issue them an immigrant visa abroad. The unmarried child of a U.S. citizen can also benefit from a K-4 nonimmigrant visa as a derivative of the K-3.

FAQs about filing for a K-3/K-4 nonimmigrant

- How do I file for my spouse/ child to obtain a K-3/K-4 visa?
- What is the process once the I-129F is approved?
- Does the child who will be the K-4 need to have separate petitions filed for them?
- Can I file for a K-3 for my spouse if they are already in the U.S.?
- Once my spouse is in the U.S. with a K-3 visa, what will be the next step towards permanent residence?
- Will my spouse's K-4 child be eligible to apply for adjustment of status once in the U.S.?
- Once the K-3 becomes a permanent resident can they file for their K-4 child?

Note to Representative: General Information about the K-3/K-4 visa classification is located in Volume 4.4.1

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How do I file for my spouse/child to obtain a K-3/K-4 visa?

To obtain a K-3 or K-4 nonimmigrant visa, you must file two petitions with USCIS and apply for a visa from the U.S. Department of State:

- **Form I-130**: File on behalf of your non-citizen spouse with the USCIS Service Center having jurisdiction over your place of residence. You will then receive a Form I-797, Notice of Action, indicating that USCIS has received the Form I-130.

- **Form I-129F, Petition for Alien Fiancé(e)**: File this after filing Form I-130 and include a copy of the I-797, on behalf of the non-citizen spouse and any children. Submit to the USCIS Service Center where the underlying Form I-130 petition is pending. There is no fee when filing a Form I-129F for a non-citizen spouse (K-3). If your non-citizen spouse has any minor children seeking K-4 nonimmigrant visas, they should be listed on the I-129F filed on your spouse's behalf to facilitate the application process.

What is the process once the I-129F is approved?

If approved, USCIS will forward the I-129F to the U.S. Department of State for consular processing.

The non-citizen spouse and any minor children will then need to apply to the U.S. Department of State for the K-3 or K-4 nonimmigrant visa. For more information on the visa application process see information about the U.S. Department of State's National Visa Center.

The U.S. Consulate/Embassy where your spouse will apply for a K-3 visa must be the country where the marriage took place.

The spouse/child will be required to complete a medical exam as per the instructions of the U.S. Consulate/Embassy.

Does the child who will be the K-4 need to have separate petitions filed for them?

To be eligible for the K-4 nonimmigrant visa, the child does **not** need a separate Form I-130, Petition for Alien Relative, or a Form I-129F filed on his/her behalf. The child should be listed on the Form I-129F.

However, to be eligible for the K-4 the child must:

- Be an unmarried child under 21 years of the qualified K-3 visa applicant.
- Be free to travel with the K-3 (have any child custody issues resolved).
- Complete a medical examination per the instructions of the U.S. Consulate/ Embassy

Can I file for a K-3 for my spouse if they are already in the U.S?

No. The K-3 visa classification is only available for a spouse of a U.S. citizen who is outside of the U.S. and has had a relative petition filed on his/her behalf.

Once my spouse enters the U.S. with a K-3 visa, what will be the next step towards permanent residence?

Once the K-3 spouse enters the U.S., he/she can file for adjustment of status. By submitting Form I-485 and accompanying forms with the receipt notice for the pending Form I-130 or with the approval notice, if applicable.

Back to: Filing for a K-3/K-4 Nonimmigrant U.S. Citizen Services Main Menu

Will my spouse's K-4 child be eligible to apply for adjustment of status once in the U.S.?

If the child meets the definition of a child, step-child, or adopted child of the U.S. citizen under immigration law, the U.S. citizen parent/step-parent may file a Form I-130 on his/her child's behalf along with the Form I-485 adjustment of status paket. If the U.S. citizen filed a Form I-130 on his/her child's behalf prior to admission, the child may file the Form I-485 and accompanying forms with the receipt notice of the pending Form I-130 or with the approval notice, if applicable.

Once the K-3 becomes a permanent resident, can they file for their K-4 child?

The immigrant parent may petition for his/her child once he/she has obtained legal permanent residence; however, the child will then need to wait for an immigrant visa number to be available.

If the K-4 child is planning to remain in the U.S. it is important to note that once the immigrating parent becomes a permanent resident he/she will no longer hold K-3 nonimmigrant status and the child will no longer be able to maintain derivative K-4 nonimmigrant status. Therefore, if the child meets the definition of a child, step-child, or adopted child of the U.S. citizen under immigration law, it would be beneficial to the child if the U.S. citizen parent/step-parent files a Form I-130 on the child's behalf since then the immigrant visa would be immediately available.

More information if your spouse has a child or children.

Back to: Filing for a K-3/K-4 Nonimmigrant U.S. Citizen Services Main Menu

Your parent is currently:

- Inside the U.S.
- Outside the U.S.

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He/she entered the United States:

- Legally
- Illegally

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Under what visa category or other legal status did your parent enter the U.S.? (choose one below)

Nonimmigrant Categories			
Diplomats and Government Representatives, and their staffs		**Nonimmigrant Workers and their dependents**	
A	Diplomatic Personnel	D	Crew members
C2	Representative in transit to or from the United Nations Headquarters District	E	Treaty Traders and Treaty Investors based on a bilateral treaty, and dependents
C3	Government Representatives in transit through the U.S.	H1B	Temporary Workers in Specialty Occupations
G	Other Government Representatives	H1C	Registered Nurses
NATO	NATO personnel on assignment to the U.S.	H2A	Temporary Agricultural Workers
Tourists and Visitors on business		H2B	Temporary skilled and unskilled workers
B	Tourists and Visitors on Business including citizens of Canada entering without a visa	H3	Trainees
WB	Visitors coming temporarily on business admitted under the Visa Waiver Program	H4	Dependents of H1-3 workers and trainees
		I	Representatives of Foreign Information Media
WT	Tourists admitted under the Visa Waiver program	L	Intra-Company Transferees
Guam Visa Waiver	Tourists Admitted only to Guam under Special Visa Waiver	O	Persons with Extraordinary Ability and their support personnel
Students and Exchange Visitors, and their dependents			
F	Academic Students	P1	Internationally recognized Athletes and Entertainers
J	Exchange Program Visitors	P2	Artists and Entertainers pursuant to Exchange Agreements
M	Vocational Students	P3	Culturally Unique Artists and Entertainers
Fiancé(e)s and certain relatives of U.S. citizens and Permanent Residents		P4	Dependents of 'P' athletes, artists and entertainers
K1 K2	Fiancé(e)s of U.S. citizens and their dependent children (also see U.S. citizen services)	Q1	International Cultural Exchange Visitors
		Q2, Q3	Irish Peace Process cultural training program participants
K3 K4	Certain Husbands and Wives of U.S. citizens, and their dependent children	R	Religious Workers
V	Certain Relatives of a Permanent Resident (LIFE Act)	TN1, TD	Canadian professionals under NAFTA (North American Free Trade Agreement)
Others		TN2, TD	Mexican professionals under NAFTA (North American Free Trade Agreement)
C1, TWOV	Persons transiting the U.S.		
S U	Certain Informants and victims of criminal activity in the U.S.		
T	Victims of Trafficking		
Parolee	Person paroled into U.S. temporarily		

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Has your parent obtained a certification from the Department of State or NATO on Form I-566?

- Yes
- No

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Is your parent currently in immigration proceedings (deportation, removal, etc.)?

- Yes
- No

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If your parent was subject to the two-year foreign residence requirement, has he/she obtained a waiver of the two-year foreign residence requirement through approval by USCIS? (If your parent was not subject to this requirement, please select "yes" below.)

- Yes
- No

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It appears that you may want to file a Form I-130 for your parent(s) and your parent(s) may wish to file the Form I-485, Application to Register Permanent Residence or Adjust Status, concurrently with the I-130. Even if your parent(s) is/are now currently out of status, as long as he/she made a lawful entry into the United States, he/she may be able to apply for adjustment of status.

If you choose to file these forms concurrently, you will need to file the Forms G-325A, I-693, and I-864 as well. You may also file Forms I-765 and I-131. These forms can be downloaded from our website at www.uscis.gov/forms. If you decide to file, you will also need to include all appropriate fees.

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Chapter 3	Helping a Relative Immigrate and Financially Sponsoring an Immigrating Alien
Unit 3	Financially Sponsoring an Immigrant Alien

OVERVIEW

By law, every person who immigrates based on a relative petition must have a financial sponsor. If you choose to sponsor your relative's immigration by filing a **Form I-130**, *Petition for Alien Relative*, then when the time comes for actual immigration you must agree to be the financial sponsor and file an affidavit of support. If you do not meet the financial qualifications at that time, you must still file a **Form I-864**, *Affidavit of Support,* and accept responsibility, but you and your relative must also find other individuals who meet the requirements and are willing to make this commitment and also file affidavits of support.

General FAQs

- What is the purpose of the Affidavit of Support?
- Who has to have an Affidavit of Support in order to immigrate?
- What are the financial qualifications for an Affidavit of Support?
- I filed the Immigrant Petition for my Relative, but I do not meet the minimum income requirement. Can anyone else be a financial sponsor?
- Someone has asked me to be a financial sponsor because they don't meet the minimum income requirement. What can I do?
- When and how do I file the Affidavit of Support?
- Do I need to notify USCIS if I move?
- What if a person I financially sponsor only gets public benefits after becoming a permanent resident?
- When does my financial responsibility end?
- Should I file Form I-864 or Form I-134? What is the difference?

Back to: U.S. Citizen Services Main Menu

What is the purpose of the Affidavit of Support?

The affidavit of support helps ensure that new immigrants will not need to rely on public benefits such as Food Stamps, Medicaid, Supplemental Security Income (SSI), and Temporary Assistance to Needy Families. If a person for whom you file an affidavit of support becomes a permanent resident and is later given certain public benefits, the agency that gave the benefits can require that you repay that money.

Who has to have an Affidavit of Support in order to immigrate?

Anyone applying to become a permanent resident through a family member must have a sponsor. A sponsor is also required for a family member coming to work for a relative, or for a company in which a relative owns 5 percent or more of the company.

The person filing the petition sponsoring the person's immigration must file an affidavit of support. If he/she does not, then his or her sponsorship is not complete, and the person will not be given permission to immigrate based on that petition.

What are the financial qualifications for an Affidavit of Support?

The law requires a sponsor to prove an income level at or above 125% of the federal poverty level. (For active duty military personnel, the income requirement is 100% of the poverty level when sponsoring his/her husband, wife or children.) If your income does not meet the requirement, your assets, such as checking and savings accounts, stocks, bonds, or property, may be considered in determining your financial ability. Federal poverty levels are updated each year. You can check the current poverty guidelines by downloading Form I-864P, Poverty Guidelines, from www.uscis.gov.

I filed the Immigrant Petition for my relative, but I do not meet the minimum income requirement. Can anyone else be a financial sponsor?

If you do not meet the financial qualifications, the income of certain other household members can be added to your income level if they sign a contract on Form I-864A, *Affidavit of Support Contract Between Sponsor and Household Member*, agreeing to make their income and/or assets available for the support of the relative applying for permanent residence.

If you still cannot meet the financial qualifications, another person must complete a separate Form I-864, *Affidavit of Support*, to become a joint financial sponsor of the person's immigration. The joint sponsor must meet all sponsorship requirements separately, including the minimum income requirements for his/her household, and must be willing to assume, along with you, financial liability for the sponsored immigrant(s).

All sponsors must be United States citizens or permanent residents, be at least 18, and be living in the U.S. (including territories and possessions) when they file the affidavit of support.

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Someone has asked me to be a financial sponsor because they don't meet the minimum income requirement. What can I do?

Anyone applying to be a permanent resident through a family member must have a sponsor. A sponsor is also required for a family member coming to work for a relative, or for a company in which a relative owns 5 percent or more of the company. If the petitioner does not meet the financial qualifications, the income of certain other household members can be added into the income level of the petitioner if that household member signs a contract on Form I-864A, *Affidavit of Support Contract Between Sponsor and Household Member*, agreeing to make their income and/or assets available for the support of the petitioner's relative applying for permanent residence. If the petitioner still cannot meet the financial qualifications, another person will need to complete a separate Form I-864, Affidavit of Support, to become a joint financial sponsor of the petitioner's relative.

If you choose to become the joint sponsor, you must meet all sponsorship requirements separately, including the minimum income requirements for your household, and must be willing to assume, along with the petitioner, financial liability for the sponsored immigrant.

All sponsors must be U.S. citizens or permanent residents, be at least 18, and be living in the United States (including territories and possessions) when they file the affidavit of support.

When and how do I file the Affidavit of Support?

You do *not* need to file it with your petition. When the person reaches the head of the line to immigrate based on your I-130 petition (which often will be years after the petition was filed), he or she will have to submit the affidavit of support with an application for an immigrant visa or permanent residence. The National Visa Center will contact you regarding the fee associated with the visa application and document collection.

Do I need to notify USCIS if I move?

If you financially sponsor someone, you are legally required to keep USCIS informed of your address until your financial responsibility ends. If you change your address, you will need to file a Form I-865, *Sponsor's Notice of Change of Address*, within 30 days after the date you move. Please read the instructions on the form carefully.

What if a person I financially sponsor only gets public benefits after becoming a permanent resident?

If a sponsor does not provide basic support to the immigrants they sponsor, the sponsored immigrants, or the Federal or State agency that gave the benefits to the family members, can seek reimbursement of the funds through legal action against the sponsor.

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When does my financial responsibility end?

An Affidavit of Support is enforceable against the sponsor until the person they sponsored either:

- Becomes a U.S. citizen;
- Is credited with 40 quarters of work in the U.S. (usually 10 years);
- Leaves the United States permanently; or
- Passes away.

Should I file Form I-864 or Form I-134? What is the difference?

If the beneficiary is seeking admission or adjustment as a permanent resident based on immediate relative status, is another family-based immigrant, or is seeking admission based on certain categories of employment-based immigration, Form I-864 is the appropriate form to file. Form I-134 may be used in any case where the beneficiary is inadmissible on public charge grounds but is not required to have an I-864 filed on his/her behalf. Do NOT use Form I-134 if the person you are sponsoring is required to have form I-864 instead. Please refer to the instructions of the primary petition and carefully follow them. The instructions will make clear which form needs to be filed.

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Chapter 3	Helping a Relative Immigrate and Financially Sponsoring an Immigrating Alien
Unit 4	Information about the USCIS Immigrant Fee

OVERVIEW

Effective February 1, 2013, USCIS will collect a $165 Immigrant Visa DHS Domestic Processing Fee (USCIS Immigrant Fee) from individuals who have been issued immigrant visas by the U.S. Department of State and who are applying for admission to the U.S. USCIS established this fee to recover the costs associated with processing, filing, and maintaining the immigrant visa package, and producing and mailing required documents.

General FAQs

Additional FAQs continue on the next page

Additional USCIS Immigrant Fee FAQS

- What happens if I lose my copy of the payment confirmation? How can I provide proof of payment?
- How should I respond to a request for evidence (RFE) stating that I did not pay the immigrant fee?
- Does the fee have to be paid for each individual issued a visa or just for the individual on whose behalf an immigrant visa petition was filed? If I file an immigrant visa petition for my relative who has dependent children, will the fee have to be paid for each of the dependents as well?
- I am trying to pay the USCIS Immigrant Fee and am unable to type in my Case ID Number on the fee payment form on the USCIS ELIS website. What should I do?
- Will the immigrant receive proof of permanent resident status when entering the U.S.?
- Can the immigrant fee be waived?
- Is a Spanish version of the USCIS ELIS website available?
- I don't have a Case ID Number or an Alien Registration Number (A-Number). What should I do?
- I received a letter titled "Permanent Resident Card Processing Payment" from the Texas Service Center. Why was this letter sent to me?
- My mailing address is different from the address I provided the Department of State of U.S. Customs and Border Protection. How do I update the address to which my Permanent Resident Card is mailed?
- Do I have to pay for a replacement Permanent Resident Card if I previously paid the USCIS Immigrant Fee but have not yet received my card?

Note to Representative: If the customer has questions about using ELIS, please go to Volume 3, Getting Ready to File, USCIS ELIS Questions Chapter.

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What is the Immigrant Visa DHS Domestic Processing Fee (USCIS Immigrant Fee)?

The USCIS Immigrant Fee is a fee of $165 that USCIS established to cover the costs associated with processing, filing, and maintaining the immigrant visa package, and producing and mailing required documents (such as a Permanent Resident Card).

Who has to pay the USCIS Immigrant Fee?

Individuals who have been issued immigrant visas by the U.S. Department of State and are applying for admission to the U.S. need to pay this fee.

The following immigrants are exempt from paying the immigrant fee:

- children who enter the United States under either the Orphan or Hague adoption programs;
- Iraqi and Afghan special immigrants;
- returning residents (SB-1s); and
- those issued K visas.

When will the USCIS Immigrant Fee take effect?

Effective February 1, 2013, USCIS will collect the USCIS Immigrant Fee from individuals who have been issued immigrant visas by the U.S. Department of State.

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How should I pay the Immigrant Fee?

Immigrant visa holders applying for admission to the U.S. must pay the USCIS Immigrant Fee by going online at www.uscis.gov/elis and linking to USCIS ELIS to answer some questions and provide their checking account, debit, or credit card information.

Immigrant visa holders must submit payments online after they receive their immigrant visa package from the U.S. Department of State (DOS). DOS will issue the applicant:

- A USCIS handout which will include the immigrant visa holder's Alien number (the letter "A" followed by 8 or 9 numbers) and DOS Case ID number (3 letters followed by 9 or 10 numbers); and
- Instructions on how to submit payment.

Note to Representative: If the immigrant visa holder is a Diversity Visa immigrant, the DOS Case ID number will have 4 numbers followed by 2 letters and 5 more numbers.

Immigrant visa holders should keep a copy of their receipt for their records.

Please visit our Web site at www.uscis.gov/immigrantfee and www.uscis.gov/elis for more information about the fee.

Note to Representative: For FAQs about using ELIS, please go to Volume 3, Getting Ready to File, USCIS ELIS Questions Chapter.

When should the Immigrant Fee be paid?

Payment should be made before traveling to the U.S.

If you are unable to pay the fee before departing for the U.S., you must pay this fee after your arrive in the U.S. If there is no record of payment following your admission to the U.S., USCIS will send you a notice requesting payment.

Please note that you will not receive your permanent resident card until you have paid the USCIS Immigrant Fee.

Failure to pay the USCIS immigrant fee will not affect your status as a lawful permanent resident but you will only have evidence of your lawful permanent status for one year from the date of your admission, as evidenced by the temporary I-551 stamp placed in your passport by CBP at the time of your admission.

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Can check payments be from an overseas bank?

No. Check payments must be drawn on a U.S. bank.

If the immigrant visa holder does not have a checking account, debit, or credit card, or is otherwise unable to pay the fee, may I pay on their behalf?

Yes, you will need your family member's A-number and Department of State (DOS) Case ID in order to pay the fee.

Can my employer or attorney and pay my USCIS Immigrant Fee in Electronic Immigration System (ELIS)?

Yes, they will need your A-number and Department of State (DOS) Case ID in order to pay the fee.

If the immigrant visa is issued before February 1, 2013, but the immigrant visa holder did not apply for admission to the U.S. until after February 1, 2013, will the immigrant visa holder have to pay the fee?

No. Immigrant visa holders are not required to pay the USCIS Immigrant Fee if the U.S. Department of State issued their Immigrant Visa before February 1, 2013.

What happens if I do not pay the USCIS immigrant fee?

You will not receive your permanent resident card until you have paid the USCIS Immigrant Fee.

Failure to pay the USCIS immigrant fee will not affect your status as a lawful permanent resident but you will only have evidence of your lawful permanent status for one year from the date of your admission, as evidenced by the temporary I-551 stamp placed in your passport by CBP at the time of your admission.

Who is exempt from paying the immigrant fee?

The following immigrants are exempt from paying the immigrant fee:

- children who enter the United States under either the Orphan or Hague adoption programs;
- Iraqi and Afghan special immigrants;
- returning residents (SB-1s); and
- those issued K visas.

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Can I mail payment of the USCIS Immigrant Fee to a USCIS Office?

No. USCIS only accepts payment of the USCIS Immigrant Fee online through USCIS ELIS. USCIS **will not** accept payments via mail.

How can I track the status of my permanent resident card?

If you have your receipt number, please visit www.uscis.gov and select "Check My Case Status."

If you do not have your receipt number and it has been 60 days since you paid the immigrant fee, please visit https://egov.uscis.gov/cris/contactus and fill out the Electronic Immigration System Online Help Form requesting an update of your status. Please remember to include your full name and A-number when completing the Form. You can find your A-Number on your immigrant data summary, USCIS Immigrant Fee handout, or immigrant visa stamp.

The receipt number is not available until 60 days after payment of the immigrant fee.

May I pay for my family member if I have already paid my USCIS Immigrant Fee in USCIS ELIS?

Yes, you will need your family member's A-number and Department of State (DOS) Case ID in order to pay the fee.

Note to Representative: For FAQs about using ELIS, please go to Volume 3, Getting Ready to File, USCIS ELIS Questions Chapter.

Where can I get more information about the USCIS Immigrant Visa Fee?

For more information about the fee, please visit our website at www.uscis.gov/immigrantfee where a News Release and a detailed payment Web page, including a set of questions and answers about the USCIS Immigrant fee, are available. Also, please visit www.uscis.gov/elis.

What happens if I lose my copy of the payment confirmation? How can I provide proof of payment?

Payment confirmations cannot be re-generated. For payment confirmation please view the statement for the credit card or bank account that was used to pay for the immigrant fee.

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How should I respond to a request for evidence (RFE) stating that I did not pay the immigrant fee?

If you did not pay the immigrant fee, please go online at www.uscis.gov/elis to pay the fee. Please print out a copy of the payment confirmation and submit it with your response to the RFE.

Please note that you will not receive your permanent resident card until you have paid the USCIS Immigrant Fee.

If you previously paid the immigrant fee, when responding to the RFE, you can provide a copy of your credit card statement, bank statement, or processed check that was used for payment.

Does the fee have to be paid for each individual issued a visa or just for the individual on whose behalf an immigrant visa petition was filed? If I file an immigrant visa petition for my relative who has dependent children, will the fee have to be paid for each of the dependents as well?

Yes. The fee must be paid for each recipient of a Department of State Immigrant Visa who applied for admission to the United States. The immigrant fee would have to be paid for the relative and for each dependent.

You must provide the Alien Registration Number or A-Number and the Department of State Case ID Number assigned to you and each family member you are paying for. Please be sure to correctly enter the A-Number and Department of State Case ID Number in USCIS ELIS. You can pay for multiple family members by clicking the "Add" button.

I am trying to pay the USCIS Immigrant Fee and am unable to type in my Case ID Number on the fee payment form on the USCIS ELIS website. What should I do?

The Case ID Number can be found on the Immigrant Data Summary Sheet stapled to the front of the immigrant visa package you received with your visa. The number begins with three letters indicating the consulate or embassy followed by a series of numbers. Additionally, at the time of your interview at the U.S. Embassy or Consulate, the DOS interviewing officer provided you with a USCIS handout that informed you of the need to pay the immigrant fee and included your A-Number and Case ID Number.

If the fee payment form will not accept your Case ID Number, USCIS should be able to process your payment if the correct Alien Registration Number or A-Number assigned to the individual on the transaction is entered. Please be sure to enter the A-Number correctly when paying the fee. If you are paying the fee on behalf of multiple family members, ensure that the A-Number for each individual is captured correctly. The A-Number is the letter "A' followed by eight or nine numbers. If you A-Number is fewer than nine digits, insert a zero after the "A" and before the first digit to create a nine-digit number. For example, "A12345678" would become "A012345678."

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Will the immigrant receive proof of permanent resident status when entering the U.S.?

Yes. The immigrant will receive an ADIT stamp upon entry that will serve as proof of permanent resident status for up to one year or until their card is received. While waiting for your permanent resident card, this stamp can also be used for re-entry when returning to the United States from overseas travel and for evidence of work authorization in the United States.

Can the immigrant fee be waived?

No, there is no waiver available for the immigrant fee.

Is a Spanish version of the USCIS ELIS website available?

No. The USCIS ELIS website is only available in English.

I don't have a Case ID Number or an Alien Registration Number (A-Number). What should I do?

Your Case ID Number and Alien Registration Number (A-Number) can be found on the Immigrant Data Summary Sheet stapled to the front of the immigrant visa package you and any accompanying family members received with your visa from the Department of State (DOS), US Embassy or Consulate. If you did not receive an Immigrant Data Summary Sheet with your visa packet, please request this sheet from the U.S. Embassy or Consulate that issued you the visa. Each individual family member will be provided a separate sheet. Additionally, at the time of your interview at the U.S. Embassy or Consulate, the DOS interviewing officer provided you with a USCIS handout that informed you of the need to pay the immigrant fee and included your A-Number and Case ID Number.

Your A-Number can also be found on your passport next to your admission stamp. If you are still unable to locate your A-Number, you may make an appointment to visit your local USCIS office. The Immigration Services Officer at the local office can provide you with your A-Number. The A-Number is the letter "A' followed by eight or nine numbers. If you A-Number is fewer than nine digits, insert a zero after the "A" and before the first digit to create a nine-digit number. For example, "A12345678" would become "A012345678." You can schedule the appointment yourself by using INFOPASS on our website at www.uscis.gov.

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I received a letter titled "Permanent Resident Card Processing Payment" from the Texas Service Center. Why was this letter sent to me?

This letter was sent to inform you that the processing of your Permanent Resident Card has been suspended because USCIS does not have a record of payment of the $165 USCIS Immigrant Fee. For more information about the USCIS Immigrant Fee and how to pay the fee, please visit our website at www.uscis.gov/immigrantfee and www.uscis.gov/elis.

Please follow the instructions in the letter and mail a copy of the letter and a copy of your payment confirmation from Pay.gov to the Texas Service Center address noted in the letter.

Note to Representative: If the customer states that they no longer have a copy of their payment confirmation, please read the customer the answer to the FAQ "What happens if I lose my copy of the payment confirmation?"

My mailing address is different from the address I provided the Department of State or U.S .Customs and Border Protection. How do I update the address to which my Permanent Resident Card is mailed?

USCIS will only mail your permanent resident card to the U.S. mailing address you provide to the Department of State at the time of your immigrant visa interview or to the U.S. Customs and Border Protection (CBP) officer when you are admitted to the United States. If you move after you arrive in the U.S. and do not receive your card within 45 days, please update your address with USCIS by visiting www.uscis.gov/addresschange or by calling us back.

Do I have to pay for a replacement Permanent Resident Card if I previously paid the USCIS Immigrant Fee but have not yet received my card?

If you need a replacement card, please see information on Form I-90, Application to Replace Permanent Resident Card.

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Chapter 4 How to Understand the Immigration Process When Adopting Children and How to Help a Fiancé (e) Immigrate to the United States

CSR Prompt: It appears you are a U.S. citizen interested in information concerning the immigration process related to adoptions or how to help a fiancé (e) immigrate to the U.S. Is that correct?

- If yes, continue below
- If no, go to where to start

Unit 1 Understanding the Immigration Process When Adopting Children

Unit 2 How to Help a Fiancé(e) Immigrate to the United States

Back to: U.S. Citizen Services Main Menu

Chapter 4	How to Understand the Immigration Process When Adopting Children and How to Help a Fiancé (e) Immigrate to the United States
Unit 1	Understanding the Immigration Process When Adopting Children

OVERVIEW

If you are a U.S. citizen who is interested in adopting a child from another country, it is important first to decide on a specific country for adoption. There are two inter-country adoption processes: the Orphan process and the Hague Adoption Convention process. Both programs include measures to determine the suitability of prospective adoptive parents, such as background and criminal checks, as well as a home study. Once your eligibility to adopt has been established, both the Orphan process and the Hague Adoption Convention process have specific procedures to determine whether the child is eligible for immigration to the U.S. To view a list of the countries that participate in the Hague Adoption Convention, please visit www.travel.state.gov.

Do you need information about adoptions through the hague adoption convention or through the orphan program?

Section 1 You want information about inter-country adoptions through the Hague Adoption Convention

Section 2 You want information about inter-country adoptions through the Orphan program

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Chapter 4	How to Understand the Immigration Process When Adopting Children and How to Help a Fiancé (e) Immigrate to the United States
Unit 1	Understanding the Immigration Process When Adopting Children
Section 2	Adopting a child through the orphan adoption process

OVERVIEW

U.S. immigration law provides for the immigration of foreign national children who qualify as "orphans" and who have been adopted, or are coming to be adopted, by a U.S. citizen and his or her spouse, or by an unmarried citizen who is at least 25 years old. This program has extensive protections to protect the orphan. These include background and criminal checks of every adult in your household, as well as a home study. If you are married, you and your husband or wife must go through the immigration and adoption process together. But once eligibility is established, it also has special procedures that let the child come to the U.S. much quicker. We have a special manual to help you through this complex process. There are two different applications. One is the I-600, which is the basic orphan petition. The other is an I-600A advance processing petition. If you have not identified a child, the I-600A lets you pre-qualify, so that when you identify a child our review will only have to focus on the child's situation and eligibility as an orphan. The manual and instructions to these two form packages explain the process, and how to file, in greater detail. You can read and print the M-249 manual and theI-600 and I-600A form packages from our website at www.uscis.gov. If you don't have web access at home or work, check with your public library.

Guided information in helping you through the Orphan adoption process

FAQs about the Orphan adoption process

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FAQs about the Orphan adoption process

- Who can use the special orphan adoption program?
- How do I apply under the special orphan adoption program?
- What is the overall process for Orphan adoptions?
- What is an "adoption service provider?"
- How old can an orphan be and still be eligible under this program?
- What happens after the Form I-600 orphan petition is approved?
- How can a child I adopted outside the special orphan adoption program become a U.S. citizen?
- Questions and Answers about Filing Qualifications
- What is the fee for the I-600A?
- What is the fee for the I-600?
- How long will it take USCIS to process the adoption petitions once they are properly filed?
- Where can I get more information about the adoption process?

FAQs about Haitian adoptions

- I would like to help the situation in Haiti by adopting a Haitian child. What can I do?
- Why isn't the U.S. government acting quickly to bring Haitian orphans to the U.S.?
- I've heard about Humanitarian Parole. What does that mean?
- I would like to make a donation to an orphanage. What would be the best way to help an orphanage?

Links to the USCIS website for more information about Haitian adoptions

- Information for U.S. Citizens in the process of adopting a child from Haiti
- Information for Adoptive Parents of Paroled Haitian Orphans

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Who can use the special orphan adoption program?

If you are married, and a U.S. citizen, you may file a petition for a foreign national orphan if you and your spouse have adopted or will adopt the orphan. If you are a U.S. citizen, but you are not married, you must be at least age 24 when you file a Form I-600A and at least age 25 at the time of filing Form I-600. If you are married, you and your spouse must go through the immigration and adoption process together. Every adult member of your household will have to be fingerprinted, and we will conduct background and criminal checks. There will also have to be a home study, just as if you were adopting a child who is already living in the U.S.

How do I apply under the special orphan adoption program?

We know that once you identify an orphan you want to get the process completed as soon as possible. Speed is important for both you and the orphan. However, a full review of eligibility, and of your fitness to adopt a child, is equally important to the orphan's welfare.

To best balance these needs, we offer you a choice of how to apply.

If the child has not yet been identified, you can obtain a determination that you are suitable to be the adoptive parents of a foreign national orphan early so that you don't have to start from the beginning once a child is identified. Getting your home study completed, preparing the application, background and criminal checks, and our review of your eligibility are often the things that take the most time.

Step one is filing a preliminary Form I-600A application for advance processing of orphan petition. The Form I-600A focuses on your qualifications, and, if you are married, those of your husband or wife. If you file the Form I-600A, with the home study and other required evidence, USCIS approval of your Form I-600A will mean that your suitability as an adoptive parent has already been established before an orphan is identified for you.

When that happens, you take the second step, which is to file the Form I-600 orphan petition. But with your Form I-600A already approved, our review here will focus on the child's situation and eligibility as an orphan. Once we approve the Form I-600, we will notify the U.S. Consulate/Embassy so it can issue a visa to the child so s/he can come to the U.S. If you plan to travel abroad to find the orphan you wish to adopt, we strongly recommend you file your Form I-600A and wait for it to be approved before you travel.

Your second option is to wait until a child is identified for you. This sounds simpler because you only file the Form I-600, and do everything in one step. However, that means the procedures that often take the most time, such as the home study, background and criminal checks, and our review, will be done while the child waits overseas. Once we approve the Form I-600, we will notify the U.S. Consulate/ Embassy so it can issue a visa so the child can come to the U.S.

What is an "adoption service provider?"

An "adoption service provider" can be an individual or an organization that must be authorized to provide adoption services in connection with a non-Hague country. Effective July 14, 2014, any adoption service provider must be accredited or approved, or be a supervised or exempted provider in compliance with the Intercountry Adoption Act. For more information about the Intercountry Adoption Act, please see the USCIS website.

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What is the overall process for Orphan adoptions?

Generally speaking, the process is as follows:

1) The prospective adoptive parent(s) (PAPs) choose an adoption service provider (ASP);
2) The PAPs obtain a home study;
3) The PAPs apply to USCIS by filing Form I-600A, Application for Advance Processing of Orphan Petition, for a determination of suitability and eligibility as adoptive parents which includes a review of the home study and background checks on all adult household members;
4) The PAPs work with the ASP to be matched with a child;
5) The PAPs obtain an adoption decree or legal custody through the laws of the child's country of origin;
6) The PAPs petition USCIS by filing Form I-600, Petition to Classify Orphan as an Immediate Relative, for a determination of the child's eligibility to immigrate, which includes a determination as to whether the child meets the legal definition of "Orphan";
7) The PAPs apply to the U.S. Department of State for an immigrant visa for the child; and
8) The PAPs bring the child to the U.S. and the child is admitted.

How old can an orphan be and still be eligible under this program?

In an orphan case, you must file your visa petition before the child's 16th birthday. The only exception to this is if the child being adopted is the birth brother or sister of a child who has already been adopted, or is in the process of being adopted or is soon be adopted. In this case, the visa petition for the birth sibling must be filed before the birth sibling's 18th birthday. A petition that was filed after the child's 16th birthday (or 18th birthday for a birth sibling) will be considered timely filed only if: ***both*** of these requirements are met: 1) The petitioner filed a Form I-600A that itself was filed after the child's 15th birthday but before the child's 16th birthday (or, if applicable, after the child's 17th birthday but before the child's 18th) birthday);
AND 2) The Form I-600 is filed not more than 180 days after *initial* approval of the Form I-600A.

What happens after the Form I-600 orphan petition is approved?

Once the Form I-600 is approved, we will notify the U.S. Consulate/Embassy. You can then apply for the proper visa so the child can enter the U.S. If you adopted the child abroad, and you (and your spouse, if you are married) saw the child before or during the adoption proceeding, your child will receive an "IR-3" visa. If you have not yet adopted the child, and will do so in the United States, the child will receive an IR-4 visa. Once your child obtains an immigrant visa, you can bring your child to the United States for admission as an immigrant.

Under section 320 of the Act, an orphan becomes a citizen if all of these requirements are met before the orphan's 18th birthday:

(1) At least one parent of the child is a citizen of the United States, whether by birth or naturalization.
(2) The child is residing in the United States in the legal and physical custody of the citizen parent pursuant to a lawful admission for permanent residence.

Generally, an IR-3 orphan who is admitted before the age of 18 becomes a citizen upon admission, because all of the adoption requirements are met. An IR-4 orphan generally becomes a citizen under section 320 only if the child is adopted after admission, and before the age of 18.

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How can a child I adopted outside the special orphan adoption program become a U.S. citizen?

The "orphan" program, as its name indicates, applies only to adopted children who qualify as orphans, as defined under U.S. immigration law. A separate provision, section 101(b)(1)(E), applies to other adopted children. In a case under this provision, you must adopt the child before the child's 16th birthday (or 18th birthday, for birth siblings of other adopted children). And your child will not be eligible to immigrate until you have had legal custody of the child, and have lived with the child, for at least two years. However; once your adopted child qualifies as your child for immigration purposes (see the prior page for more information), you can file a Form I-130 relative petition. See Chapter 4.2.3 for more information about the relative petition. If a child adopted under section 101(b)(1)(E) meets the requirements of section 320 before the child's 18th birthday, the adopted child will automatically become a U.S. citizen. If the child does not meet these requirements before turning 18, he/she can choose to apply for naturalization after he/she reaches 18 and has been a permanent resident for five years.

For more information, please see our guide, How do I immigrate an adopted or prospective adopted child or help my adopted child become a U.S. citizen or U.S. permanent resident? It is available on our website at www.uscis.gov. Many state and local government social service agencies also provide information and assistance for anyone interested in adopting a child.

How long will it take USCIS to process the adoption petitions once they are properly filed?

The amount of time it takes to complete an intercountry adoption varies greatly by country, based on each country's adoption process and how many foriegners wish to adopt from a certain country. The target processing times for USCIS paperwork are as follows:

- Form I-600A, Application for Advance Processing of Orphan Petition, approximately 75 days; and
- Form I-600, Petition for Classify Orphan as an Immediate Relative, approximately 75 days.

Where can I get more information about the adoption process?

For more information about the adoption process, please visit our adoption web page at www.uscis.gov/adoption.

I would like to help the situation in Haiti by adopting a Haitian child. What can I do?

We understand that many Americans have been deeply touched by the plight of Haitian children, including many who may have been orphaned by the recent earthquake. The U.S. Government is working with the Government of Haiti and the international community to address the needs of all Haitians, including in particular, the needs of vulnerable children. For additional information please check USCIS website: Help HAITI Act of 2010, or you may call 877-424-8374 or email NBC.adoptions@dhs.gov Additionally, our website has additional information: http://www.usaid.gov/haiti/. Here you will also find information about how you can help.

Why isn't the U.S. government acting quickly to bring Haitian orphans to the U.S.?

The U.S. government is working with the Government of Haiti and the international community to address the needs of all Haitians, especially the needs of vulnerable children. Before children can be offered for adoption, it must be clear that the child is indeed an orphan. Any process for adopting Haitian orphans must be consistent with both Haitian and American law, and must ensure that the children are truly eligible for adoption.

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I've heard about humanitarian parole. What does that mean?

Humanitarian parole is an extraordinary discretionary authority that the U.S. Department of Homeland Security may employ in this instance to bring children who are pending adoption to the United States to be united with their adoptive parents. When the children enter the country with humanitarian parole, they will then need to regularize their immigration status after arrival by completing the final adoption formalities. At this time, humanitarian parole is only available to children who had adoption cases pending before the earthquake. For more information, please contact Haitianadoptions@dhs.gov

I would like to make a donation to an orphanage. What would be the best way to help an orphanage?

Licensed child welfare agencies or other charities in your area may be able to assist you with this question. The website www.cidi.org may also have helpful information.

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You:

- Want to adopt a foreign-born child
- Have already adopted a foreign born child

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Is this child an orphan?

- Yes
- No

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Are you a United States citizen?

- Yes
- No

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Only United States citizens may use the special orphan adoption program. If you wish to adopt an orphan, we encourage you to do so, but because you are not a United States citizen, the child will have to meet the definition of a child under immigration law before you can help him/her become a permanent resident. A child who is not an "orphan" but who is adopted by a U.S. citizen or an alien lawfully admitted for permanent residence, for example, may be able to qualify under section 101(b)(1)(E) of the Act, if the child meets the requirements of that section.

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Have you adopted an orphan before?

- Yes
- No

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Did you use the special orphan program when you previously adopted an orphan?

- Yes
- No

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Was the other orphan you adopted the natural-born brother/sister of the orphan you now wish to adopt?

- Yes
- No

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Is the orphaned child you now wish to adopt under age 18?

- Yes
- No

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Are you married?

- Yes
- No

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Is the orphan you wish to adopt under age 16?

- Yes
- No

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Will the Form I-600 be filed before this child turns 18?

- Yes
- No

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Are you age 25 or older?

- Yes
- No

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Will the Form I-600, be filed before this orphaned child turns 16?

- Yes
- No

Was the adoption completed or will it be completed before this child turned/turns 16?

- Yes
- No

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Has this child been in your legal custody for two years or more?

- Yes
- No

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Has this child been in your physical custody for two years or more?

- Yes
- No

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It appears that you may be eligible to use our special orphan adoption program.

We know that once you identify an orphan you want to get the process completed as soon as possible. Speed is important for both you and the orphan. However, a full review of eligibility and of your fitness to adopt an orphan is equally important to the orphan's welfare.

- Step one is filing a preliminary **Form I-600A** orphan petition. The Form I-600A focuses on your qualifications, and, if you are married, those of your husband or wife. If you obtain approval of a Form I-600A before an orphan is identified for you, you will be ready when an orphan is identified for you. When that happens, you take the second step, which is to file the **Form I-600** orphan petition. If you are under age 25 and not married, but at least age 24, you MUST file Form I-600A in order to proceed with the orphan adoption program.

- **Your second option is to wait until an orphan is identified for you.** This sounds simpler because you only file the Form I-600 and do everything in one step. However, that means the procedures that often take the most time, such as the home study, background and criminal checks, and our review, will be done while the orphan waits overseas. Once we approve the Form I-600, we will notify the U.S. Consulate/ Embassy so it can issue a visa for the orphan to come to the U.S.

The USCIS webpage that explains the process of adopting orphans from abroad

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By law, the orphan adoption program requires that you be at least 24 years old at the time you file the advanced processing application, Form I-600A, and at least 25 years old at the time you file the orphan petition, Form I-600.

Are you at least age 24?

- Yes
- No

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Do you wish to proceed with information concerning the advance processing application?

- Yes
- No I'll wait until I am 25 or married and then proceed with the orphan petition without the advance processing.

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While you may still be able to adopt a child, from the information you have provided it appears that you cannot use our special orphan adoption program.

If you adopt a child but did not use or cannot use the special orphan adoption program, then he or she is considered your child for immigration purposes ***AFTER*** the two of you meet certain requirements:

- The adoption must be finalized before the child turns 16 (or 18 if the child is the birth sibling of another child who is immigrating as your adopted child and who meets the "under 16" requirement);
- He or she must have lived with you for at least 2 years, either before or after adoption; and
- He or she must have been in your legal custody for at least 2 years, either before or after adoption.

Also, while this option does not have all the rules of the special orphan adoption program, under this option you cannot sponsor the child's immigration until ALL of the requirements are met. When these requirements are met, the child is considered your child for immigration purposes, and you can file a relative petition for him or her. Information about petitioning for relatives.

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It appears that you cannot use our special orphan adoption program. However, you might still be able to file a relative petition if you and the child have already met certain requirements.

If you adopted a child, even an orphaned child, but did not use or cannot use the special orphan adoption program, then he or she is considered to be your child for immigration purposes only ***AFTER*** the two of you meet certain requirements:

- The adoption must be finalized before the child turns 16 (;or 18 if the child is the birth sibling of another child who is immigrating as your adopted child and who meets the "under 16" requirement);
- The child must have lived with you for at least 2 years, either before or after adoption; and
- The child must have been in your legal custody for at least 2 years, either before or after adoption.

Also, while this option does not have all the rules of the special orphan adoption program, under this option you cannot sponsor the child's immigration until ALL of the requirements just noted are met. When these requirements are met, the child is considered your child for immigration purposes, and you can file a relative petition for him or her. Information about petitioning for relatives

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It appears that you will not be able to help this child become a permanent resident. From the answers you have given, one or more of the following items has caused this child not to meet the definition of a child under immigration law at this time:

- The child is already over age 16 (or 18 if the brother/sister of another child already adopted or being adopted),
- The orphan petition, Form I-600, will be filed after the child turns 16 (or 18 if the brother/sister of another child already adopted or being adopted),
- The required time of legal custody has not been met, or
- The required period of physical custody has not been met.

Therefore, the child does not meet the definition of "child" under immigration law.

Information about the definition of child

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Chapter 4	How to Understand the Immigration Process When Adopting Children and How to Help a Fiancé (e) Immigrate to the United States
Unit 1	Understanding the Immigration Process When Adopting Children
Section 1	Adopting a Child under the Hague Adoption Convention

OVERVIEW

The Hague Adoption Convention became effective April 1, 2008. The Convention is a multi-national treaty that provides uniform standards for inter-country adoptions and establishes international procedures and safeguards to protect the best interests of children, birth parents, and adoptive parents who are involved in inter-country adoptions. The Hague Adoption Convention affects several aspects of the adoption and immigration process. First, each country that has ratified the Hague Adoption Convention must have an officially designated "Central Authority" to ensure that the adoption process is safeguarded. In the U.S., the Central Authority is the U.S. Department of State. Second, in a Hague Convention adoption, prospective adoptive parent(s) must use the services of an authorized "adoption service provider". Third, USCIS has introduced two new forms for this program. Interested parties must submit Form I-800A to USCIS in order to establish their eligibility and suitability as prospective adoptive parents under the Hague Adoption Convention. If USCIS approves Form I-800A, then the prospective adoptive parents must submit Form I-800 to USCIS in order to determine the child's eligibility as a Convention adoptee.

For more information about the Hague Adoption Convention and Convention countries, please visit www.travel.state.gov.

To download Form I-800A and Form I-800, please visit uscis.gov. You can also order Form I-800A and Form I-800 by mail. If you have additional questions about this topic, or if you would like to speak to a representative from USCIS about your case, please call the USCIS National Benefits Center at 1-877-424-8374.

General FAQs about the Hague Adoption Convention

Hague Convention adoption versus non-Convention orphan adoption FAQs

National Benefits Center (NBC) Processing FAQs

Home Study FAQs

FAQs about the Filing Process for 'Grandfathered' Forms I-600A

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General FAQs about the Hague Adoption Convention

- What is the Hague Adoption Convention?
- When does the Convention become effective for the United States?
- Does the Convention apply to all intercountry adoptions?
- What is a Convention country?
- What is a "Central Authority?"
- What is an "adoption service provider?"
- What forms need to be filed with USCIS for a Convention adoption?
- Where do I file Forms I-800 and I-800A?
- How long will it take USCIS to process the adoption petitions once they are properly filed?
- How will this new Convention adoption procedure be different from the current orphan adoption process?
- What is the overall adoption process under the Hague Adoption Convention?
- How can I get more information about Convention adoptions?

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Hague Convention adoption versus non-Convention orphan adoption FAQs

- If I have already filed Form I-600A or Form I-600 with USCIS for an intercountry adoption, do the new Convention adoption rules apply to my case?
- If I adopted a child before April 1, 2008, but have not filed a Form I-600A or Form I-600, do the new Convention adoption rules apply to my case?
- What happens if I am seeking to adopt a child from a non-Convention country?
- I obtained temporary or legal custody of a child in a Convention country before April 1, 2008 and I plan to adopt a child on or after April 1, 2008. May I still seek a Convention adoption?
- I obtained legal custody of a child in a Convention country after April 1, 2008, but before the provisional approval of Form I-800. May I still seek a Convention adoption?
- I adopted or obtained custody of a child after April 1, 2008, but before the provisional approval of Form I-800, and I cannot void or vacate the adoption or custody order. May I still seek a Convention adoption?
- May I foster a child from a Convention country prior to the approval of Form I-800A?
- May a prospective adoptive parent with an approved (grandfathered) Form I-600A indicating that they intend to adopt from a non-convention country change to a Convention country and still continue an orphan adoption?
- May a prospective adoptive parent with an approved Form I-600A who filed after April 1, 2008 indicating that they intend to adopt from a non-convention country, change to a Convention country and still continue with an orphan adoption?
- My Form I-600A was filed before April 1, 2008. Is it possible to extend the I-600A approval?
- If my request for an extension of Form I-600A is granted, what will be the start date of the new extension?
- What will the immigrant visa classification be for Convention Adoptees?
- Will USCIS provide me with documentation of my child's citizenship (IH-3)?
- Will USCIS provide me with proof of my child's lawful permanent resident status (I-H-4)?

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National Benefits Center (NBC) Processing FAQs

- Which USCIS office adjudicates and approves Forms I-800A and I-800?
- How long does it take for a USCIS field office to send Forms I-800A , I-800, and other required documents to NBC?
- Are Forms I-800A being forwarded from NBC to the National Visa Center (NVC), or are I-800As going directly from NBC to an overseas Embassy/Consulate?
- What is the NBC's timeframe for processing Form I-800A applications?
- What is the NBC's intended timeframe for processing Form I-800 petitions?
- What is the procedure for expeditious processing of special needs children?

Home Study FAQs

- If the home study agency/preparer is conducting two home studies at the same time, does this have to be stated in the home study?
- If I receive a raise at work, am I required to submit a home study amendment?
- How much time can lapse between the visit to the home and the completion of the home study?
- What if the home study preparer is not able to determine whether a foreign country has a child abuse registry?
- Are home study preparers required to list each state in which a child abuse registry was checked, or should the documented checks by included in the home study?
- Regarding the definition of an "adult member of the household", when must a home study preparer include an assessment of a household member who has not yet reached his or her 18th birthday or an assessment of someone who does not actually live in the home but whose presence is relevant to the issue of suitability to adopt?
- If a child from a Convention country is already in the U.S., can the child be deemed to be "habitually resident" in the U.S. so that the child can be adopted without complying with the Convention and USCIS interim rule?

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FAQs about the Filing Process for 'Grandfathered' Forms I-600A

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What is the Hague Adoption Convention?

The Hague Adoption Convention is an international treaty. The Convention provides uniform standards for adoptions between countries that have a treaty relationship under the Convention. The Convention establishes international procedures and safeguards to protect the best interests of the children, birth parents, and adoptive parents involved in adoptions between Convention countries.

When does the Convention become effective for the United States?

The Convention became effective for the U.S. on April 1, 2008.

Does the Convention apply to all intercountry adoptions?

For USCIS purposes, the Convention applies only if a child who is a habitual resident in one Convention country is going to immigrate to the United States as a result of an adoption by a U.S. citizen habitually residing in the United States.

What is a Convention country?

A Convention country is any country that is a party to the Hague Adoption Convention, *unless* the U.S. Department of State has determined that the Convention is not in force between the United States and that other country. A list of countries that are currently parties to the Convention can be seen at the following Department of State website.

What is a "Central Authority?"

Each country that is a party to the Convention has an officially designated "Central Authority." The Central Authority in each country ensures that the Convention adoption process is followed and provides one authoritative source of information and point of contact. In the U.S., the Central Authority is the Department of State. USCIS has been delegated Central Authority functions to adjudicate Hague adoption applications and petitions. Information about the Central Authority for each Convention country is available at the "Intercountry Adoption" page at www.hcch.net.

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What is an "adoption service provider?"

An "adoption service provider" can be an individual or an organization that must be authorized to provide adoption services in connection with a Convention adoption. The adoption service provider must be accredited or approved or otherwise authorized under Department of State regulations.

The Department of State maintains a list of authorized adoption service providers on its website at www.travel.state.gov.

What forms need to be filed with USCIS for a Convention adoption?

As part of the Convention adoption process, two new USCIS forms have been introduced: Form I-800A, *Application for Determination of Suitability to Adopt a Child from a Convention Country*, and Form I-800, *Petition to Classify Convention Adoptee as an Immediate Relative*. Please follow the instructions to the forms.

A prospective adoptive parent files Form I-800A to start the immigration process when the prospective adoptive parent is a U.S. citizen who intends to adopt a child who resides in a Convention country. Form I-800A and supporting documentation are filed with USCIS to determine the eligibility and suitability of the prospective adoptive parent(s) to adopt a Convention adoptee.

After approval of Form I-800A and after an adoption placement has been proposed, the prospective adoptive parent files Form I-800. Form I-800 and supporting documentation are filed with USCIS to determine the eligibility of a specific child for a Convention adoption.

How long will it take USCIS to process the adoption petitions once they are properly filed?

The amount of time it takes to complete an intercountry adoption varies greatly by country, based on each country's adoption process and how many foriegners wish to adopt from a certain country. The target processing times for USCIS paperwork are as follows:

- Form I-800A, Application for Determination of Suitability to Adopt a Child from a Convention Country, approximately 90 days;
- Form I-800A, Supplement 3, Request for Action on Approved Form I-800A, approximately 30 days; and
- Form I-800, Petition for Classify Convention Adoptee as an Immediate Relative, approximately 30 days.

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How will this new Convention adoption procedure be different from the current orphan adoption process?

There are some similarities between the way Convention adoptions and orphan adoptions are processed. Both involve two basic determinations: 1) whether the U.S. citizen and spouse (if married) are suitable as adoptive parents, and 2) whether the child's adoption meets the eligibility requirements in order for the child to immigrate to the U.S. In an orphan adoption case, it is possible for the parents to adopt the child before USCIS makes either of these determinations. By contrast, in a Convention adoption case:

- USCIS must determine that the parents are eligible and suitable as adoptive parents **before** the Central Authority in the other country proposes the placement of a child with the prospective adoptive parent(s) for adoption.
- The Central Authority of the child's country must determine that intercountry adoption is in the child's best interest, and that any necessary consents have been freely given.
- The Department of State as the U.S. Central Authority must certify, ***before*** the adoption can take place, that: 1) the parents have been found eligible and suitable as adoptive parent(s), 2) certain counseling requirements have been met and 3) the child is able to permanently reside in the U.S.
- In a Convention adoption, prospective adoptive parent(s) must use the services of an authorized "adoption service provider."
- As part of the Convention adoption process, two new USCIS forms have been introduced: Form I-800A, *Application for Determination of Suitability to Adopt a Child from a Convention Country*, and Form I-800, *Petition to Classify Convention Adoptee as an Immediate Relative*.
- Under the Hague Adoption Convention, an adoption may not be completed unless both countries agree that the adoption should take place and that the child will be able to immigrate to the U.S.

What is the overall adoption process under the Hague Adoption Convention?

Generally speaking, the process is as follows:

1. The prospective adoptive parent(s) file Form I-800A with supporting documentation with USCIS, including a Home Study, which has been recommended by an authorized adoption service provider.
2. Once Form I-800A is approved, the adoption service provider forwards the approval and same home study to the Central Authority of the child's country.
3. The Central Authority of the child's country, upon acceptance of the prospective adoptive parent(s), proposes a placement of a child for adoption. The Central Authority then sends a complete report on the child to the prospective adoptive parents.
4. The prospective adoptive parents file Form I-800 with supporting documentation to USCIS.
5. Form I-800 is "provisionally approved" if the child appears eligible as a Convention adoptee.
6. Once the U.S. Central Authority (Department of State) reviews the child's visa application and notifies the child's country that the adoption may proceed, the prospective adoptive parent(s) may then complete the adoption or obtain custody of the child in the child's country.
7. The adoptive parents (or someone working on their behalf) and the child attend the visa application interview at the Department of State consulate abroad with the adoption or custody order.
8. The Department of State issues the "Hague Adoption/Custody Certificate" and grants the final approval of Form I-800 and the visa application for the child to come to the U.S.

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How can I get more information about Convention adoptions?

For further information on adoptions from Hague Convention countries, please check USCIS website: International Adoption Simplification Act of 2010, you may email NBC.Hague@dhs.gov, or call 1-877-424-8374. Also, please visit our adoption web page at www.uscis.gov/adoption.

If I have already filed Form I-600A or Form I-600 with USCIS for an intercountry adoption, do the new Convention adoption rules apply to my case?

If you filed Form I-600A or Form I-600 with USCIS before April 1, 2008, the new Convention adoption rules do not apply to your case, *provided* the laws of the child's country allow for continuation under U.S. orphan regulations. However, some Convention countries may require processing under Hague Adoption Convention rules regardless of when the processing with USCIS was initiated.

If I adopted a child before April 1, 2008, but have not filed Form I-600A or Form I-600, do the new Convention adoption rules apply to my case?

No. Full and final adoptions completed before April 1, 2008 are not Convention adoptions. Therefore, parents who adopted a child before April 1, 2008, are still eligible to file under the orphan process, even if they did not file a Form I-600A or Form I-600 prior to April 1, 2008. For information on this process, click here.

What happens if I am seeking to adopt a child from a non-Convention country?

If the child to be adopted is from a non-Convention country, the Convention adoption process does not apply. Instead, you will follow the intercountry adoption process under existing orphan regulations. Information on the Orphan adoption process.

I obtained temporary or legal custody of a child in a Convention country before April 1, 2008 and I plan to adopt the child on or after April 1, 2008. May I still seek a Convention adoption?

The Hague Adoption Convention and the USCIS Hague interim Rule apply to any adoption, on or after April 1, 2008, of a child from a Convention country *unless* a Form I-600A or Form I-600 was filed before April 1, 2008. However, the Hague interim rule requires denial of a Form I-800 (*Petition to Classify Convention Adoptee as an Immediate Relative)* if the prospective adoptive parents adopted the child, or acquired custody for purposes of adoption, before the provisional approval of the Form I-800. This provision, however, was not in force before April 1, 2008. Therefore, a prospective adoptive parent who obtained custody before this date would not have been under any obligation to defer the acquisition of custody. If it can be established that the prospective adoptive parents obtained custody for purposes of adoption *before* April 1, 2008, USCIS will not deny the Form I-800 based solely on the basis of legal custody which was obtained before a Form I-800 had been provisionally approved, since the Hague Convention was not in force at the time of the grant of custody.

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I obtained legal custody of a child in a Convention country after April 1, 2008, but before the provisional approval of Form I-800. May I still seek a Convention adoption?

The Hague Adoption Convention and USCIS Hague interim rule provides that a Form I-800 cannot generally be provisionally approved if the prospective adoptive parents adopted a child or obtained custody for purposes of emigration and adoption before the provisional approval of a Form I-800. In these circumstances, for prospective adoptive parents to file Form I-800 and be eligible for a provisional approval, they will typically need to show that a legal custody order was voided, vacated, annulled, or otherwise terminated. The Form I-800 may generally be approved only if a new adoption or custody order is granted *after* the first custody order was voided, annulled, or otherwise terminated, *and* after USCIS has provisionally approved Form I-800.

I adopted or obtained custody of a child after April 1, 2008, but before the provisional approval of Form I-800, and I cannot void or vacate the adoption or custody order. May I still seek a Convention adoption?

The prospective adoptive parent should make every effort, under the law of the sending country, to have the premature adoption or custody order voided, vacated, annulled, or otherwise terminated, before filing the Form I-800. If the prospective adoptive parent presents evidence from the Central Authority of the country of the child's habitual residence establishing that the law of that country does not permit the adoption to be voided, vacated, annulled, or otherwise terminated, USCIS will notify the prospective adoptive parent of any additional evidence that may need to be presented in order to support provisional approval of the Form I-800. Prospective adoptive parents should keep in mind that, in at least some cases, adopting the child before provisional approval of the Form I-800 may require USCIS to determine that the adoption does not comply with the Convention and, consequently, cannot be the basis for approval of a Form I-800.

Adopting or obtaining custody of a child before provisional approval of a Form I-800 is not consistent with the principles of the Hague Adoption Convention, and may complicate the adjudication of the child's Form I-800. The child's eligibility to immigrate to the prospective adoptive parent's country should be resolved before completion of the proposed adoption. This minimizes the risk that a child will not be able to join his or her prospective adoptive family in their home country. As clearly stated in the instructions to Forms I-800A and Form I-800, prospective adoptive parents are cautioned not to accept a proposed adoption placement, or complete an adoption that is subject to the Convention, until after USCIS has provisionally approved Form I-800 and the Department of State has issued the article 5 notice.

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May I foster a child from a Convention country prior to the approval of Form I-800A?

Typically, accepting a foster care arrangement before completing the Convention adoption process would not be consistent with the general purpose of the Convention, which promotes placing the child in the care of prospective adoptive parents only if both the sending country and the receiving country have determined that an intercountry adoption is permitted. Whether a foster care arrangement would actually be contrary to the Hague Adoption Convention and regulations, however, will have to be reviewed on a case-by-case basis. Note that, even if a foster care arrangement is not "custody for purposes of emigration and adoption," the steps taken to obtain a foster care arrangement may well involve "contact" with the child's birth parent(s) or other caregiver. The Convention restricts the ability to have contact with the birth parent(s) or other caregivers.

USCIS strongly recommends that prospective adoptive parent(s) apply for intercountry adoption through the Hague Adoption Convention process by using Forms I-800A and I-800, and obtaining approval of their Form I-800A, and a provisional approval of their Form I-800, before assuming responsibility for providing foster care for a child. Carefully following the Hague Adoption Convention process serves the child's best interest by ensuring that all of the steps designed for protection of the child are completed before placement.

If there is an emergency that appears to warrant taking responsibility for a child before the filing and approval of Forms I-800A and I-800, the prospective adoptive parent(s) should work through the Central Authority of the sending country to arrange foster care, to ensure that any contact with the child, the birth parent(s), or other caregivers that occurs in this process, is permissible under the Hague Adoption Convention and the USCIS Hague interim rule.

May a prospective adoptive parent with an approved (grandfathered) Form I-600A indicating that they intend to adopt from a non-Convention country change to a Convention country and still continue an orphan adoption?

Yes. The Hague interim rule allows prospective adoptive parent(s) who filed an I-600A or I-600 prior to April 1, 2008, to be grandfathered under U.S. law. Included in this grandfathering provision is the ability for a prospective adoptive parent to change his/her Form I-600A approval from a non-Convention country to a Convention country, as long as the Form I-600A was filed prior to April 1, 2008, and continues to be valid at the time the request for change of overseas site notification is submitted. For a prospective adoptive parent who filed Form I-600A before April 1, 2008, but did not designate a specific country at the time of filing Form I-600A, he/she may designate a Convention country at a later time.

Note to Representative: It is important that families who filed an I-600A prior to April 1, 2008 and desire to change to a Convention country understand that while their case is grandfathered under U.S. law, this does not mean that the other Convention country must permit the adoption to take place under U.S. orphan regulations. The other country could require that the case proceed as a Hague adoption, which would require the filing of Forms I-800A and I-800.

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May a prospective adoptive parent with an approved Form I-600A who filed after April 1, 2008 indicating that they intend to adopt from a non-Convention country, change to a Convention country and still continue with an orphan adoption?

No. A prospective adoptive parent with an approved I-600A, who filed after April 1, 2008 indicating that they intend to adopt from a non-Convention country may not change to a Convention country. If the prospective adoptive parent wants to adopt from a Convention country, forms I-800A and I-800 must be filed.

My Form I-600A was filed before April 1, 2008. Is it possible to extend the I-600A approval?

Yes. An approved I-600A is valid for 18 months. A prospective adoptive parent may request a one-time, no-charge extension of your I-600A. To request this extension, submit a request in writing for an extension of your approved I-600A to the USCIS office that approved your I-600A. There is no specific form to fill out – simply submit a written request for a one-time, no-charge extension of your valid, approved Form I-600A. An updated or amended home study must accompany this request. Apply prior to 90 days before the expiration of the I-600A. If your request for extension is approved, your I-600A approval will be extended 18 months from the expiration date of the original I-600A.

After this one-time, no charge extension, it is also possible to file a new Form I-600A before the one-time extension expires. A prospective adoptive parent who has filed Form I-600A before April 1, 2008, and who has received the one-time, no charge extension, may file one additional Form I-600A and continue to proceed with their intercountry adoption through the orphan process. The new Form I-600A must be filed before the current approval expires and only if the prospective adoptive parent has not yet filed the corresponding Form I-600. If Form I-600A is no longer valid, the prospective adoptive parent must file Form I-800A.

If my request for an extension of Form I-600A approval is granted, what will be the start date of the new extension?

The new approval will be effective as of the expiration date of the original approval, rather than the date of the decision to extend the approval. For example, if the original approval expired January 1, 2008, the extension will expire July 1, 2009.

What will the immigrant visa classification be for Convention Adoptees?

Upon final approval of the I-800 petition, a child may be issued an IH-3, IH-4, or B-2 visa. An IH-3 is a Convention Child adopted abroad and who automatically acquires U.S. citizenship upon entry to the U.S. An IH-4 is a Convention Child coming to be adopted in the U.S. IH-4 children do not automatically acquire U.S. citizenship, but are lawful permanent residents until the adoption is full and final. If the child will be residing with the citizen parents abroad, rather than in the United States, the child may obtain a B-2 nonimmigrant visa. Upon admission as a B-2 temporary visitor for pleasure, the child may obtain naturalization under Section 322 of the Act and then return abroad with the parents.

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Will USCIS provide me with documentation of my child's citizenship (IH-3)?

Yes. The USCIS Buffalo office reviews all IH-3 admissions. If USCIS Buffalo finds that the requirements of section 320 were met when the child was admitted, USCIS will issue a Certificate of Citizenship within 45 days of receipt of the visa packet. If the requirements of section 320 were not met (for example, the child was admitted after his or her 18th birthday), the child will receive a permanent resident card.

Will USCIS provide me with proof of my child's lawful permanent resident status (IH-4)?

Yes. USCIS will issue a lawful permanent resident card, Form I-551 within days of receipt of the visa packet.

Which USCIS office adjudicates and approves Forms I-800A and I-800?

The National Benefits Center (NBC) is the only USCIS office that fully adjudicates forms I-800A and I-800 to completion.

How long does it take for a USCIS field office to send Forms I-800A, I-800, and other required documents to NBC?

You must file Form I-800A and Form I-800 as specified on the Forms instructions. USCIS field offices will return to the petitioner or application any Form I-800A or I-800 received after October 27, 2008.

Are Forms I-800A being forwarded from NBC to the National Visa Center (NVC), or are I-800As going directly from NBC to an overseas Embassy/Consulate?

Approved I-800A applications are sent from the NBC to the NVC.

What is the NBC's timeframe for processing Form I-800A applications?

Cases are targeted for completion within 90 days of receipt. Cases that are properly filed and submitted with complete home studies may be processed without delay.

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What is the NBC's intended timeframe for processing Form I-800 petitions?

All cases are targeted for completion within 90 days of receipt. Cases that are properly filed and submitted with a complete Hague Convention Article 16 report on the child may be processed without delay.

What is the procedure for expeditious processing of special needs children?

At this time, a significant majority of all pending cases are for special needs children. While there is no procedure for expeditious processing, all cases are targeted for completion within 90 days of receipt. Cases that are properly filed and submitted with complete home studies may be processed without delay.

If the home study agency/preparer is conducting two home studies at the same time, does this have to be stated in the home study?

Yes. In this situation we may consider the additional home study as a prior home study. Consistent with regulatory requirements the home study preparer should:

1) Identify the agency involved in each prior or terminated home study
2) State when the prior home study process began
3) Include the date the prior home study was completed
4) Explain whether the prior home study recommended for or against finding the applicant or additional adult member of the household suitable for adoption, foster care, or other custodial care of a child. If a prior home study was terminated without completion, the current home study must indicate when the prior home study began, the date of termination, and the reason for the termination.

If the other home study has not yet been completed, please note that in the home study.

If I receive a raise at work, am I required to submit a home study amendment?

No. However, if your income decreases a home study amendment is required.

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How much time can lapse between the visit to the home and the completion of the home study?

At least one home visit must be completed during the course of the home study process. The home study must not be more than 6 months old at the time it is submitted to USCIS. There is no requirement regarding the timeliness of when, during the home study process, the home visit must occur.

What if the home study preparer is not able to determine whether a foreign country has a child abuse registry?

The process ensures that USCIS has access to any readily available evidence that may relate to the applicant's suitability as an adoptive parent. There is no obligation, of course, to provide information that simply is not available. If a country does not have a child abuse registry, it is enough for the home study preparer to make this fact clear in the home study.

USCIS has sought to determine which countries, other than the United States, maintain "child abuse registries". As this information becomes available with respect to a particular country, USCIS will make the information available. Until such time as USCIS is able to verify that a particular country does have such a child abuse registry, USCIS will find that a home study complies with the regulation if the home study preparer states in the home study that the home study preparer has consulted the Central Authority of the foreign country (if it is a Convention country) or other competent authority (for a country that is not a Convention country) and has determined, based on this consultation, that the foreign country does not have a child abuse registry.

Are home study preparers required to list each state in which a child abuse registry was checked, or should the documented checks be included in the home study?

The home study preparer must ensure that a check of the applicant and of each additional adult household member has been made with available child abuse registries in any State or foreign country that the applicant, or any additional adult member of the household, has resided in since that person's 18th birthday. The home study must include results of the checks conducted, including when no record was found to exist, that the State or foreign country will not release information to the home study preparer or anyone in the household, or that the State or foreign country does not have a child abuse registry.

Regarding the definition of an "adult member of the household", when must a home study preparer include an assessment of a household member who has not yet reached his or her 18th birthday or an assessment of someone who does not actually live in the home but whose presence is relevant to the issue of suitability to adopt?

The home study preparer is not required to include an assessment of these persons as an adult member of the household unless USCIS specifically asks the home study preparer to do so. As a matter of practice, the home study preparer needs only to assess the prospective adoptive parents and any other adult members of the household unless USCIS asks for this additional evaluation.

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If a child from a Convention country is already in the U.S., can the child be deemed to be "habitually resident" in the U.S. so that the child can be adopted without complying with the Convention and USCIS interim rule?

A child who is present in the United States, but whose habitual residence was in a Convention country other than the United States immediately before the child came to the United States, is still deemed to be habitually resident in the other Convention country for purposes of the filing and approval of a visa petition based on the child's adoption by a citizen who is habitually resident in the United States. Thus, USCIS will presume that the child's adoption and immigration are governed by the Convention.

Since a child is still deemed to be habitually resident in the other Convention country, a U.S. citizen who is habitually resident in the United States and who wants to adopt a child from a Convention country must, generally, follow the Convention adoption process, even if the child is already in the United States. Forms I-800A and I-800 can be filed, even if the child is in the United States, if the other Convention country is willing to complete the Convention adoption process with respect to the child.

USCIS regulations provide the principles for determining whether the child is habitually resident in a country other than the country of citizenship. This regulation does not explicitly apply to children in the United States, but USCIS has determined that it can be interpreted to permit a finding that a child who is presumed to be habitually resident in another Convention country can be found to no longer be habitually resident in that country, but to be habitually resident, now, in the United States. USCIS will determine that regulations no longer preclude approval of a Form I-130 if the adoption order that is submitted with the Form I-130 expressly states that the Central Authority of the other Convention country has filed with the court a written statement indicating that the Central Authority is aware of the child's presence in the United States, and of the proposed adoption, and that the Central Authority has determined that the child is not habitually resident in that country. A copy of the written statement from the Central Authority must also be submitted with the Form I-130 and the adoption order. If the adoption order shows that the Central Authority of the other Convention country had determined that the child was no longer habitually resident in that other Convention country, USCIS will accept that determination and, if all the other requirements are met, the Form I-130 may be approved.

What is a "grandfathered" Form I-600A?

Department of Homeland Security regulations allow only one extension of the approval of a Form I-600A. If that extension is also scheduled to expire, the only alternative is to file a new Form I-600A, with a new filing fee. Generally, a Form I-600A may not be filed after April 1, 2008, for the adoption of a child from a Hague Convention country. However, a case may continue as an orphan case if a Form I-600A was filed before April 1, 2008. USCIS interprets this provision as permitting prospective adoptive parents whose Form I-600A approval is still in effect, but is about to expire, to file a new Form I-600A, as long as they file the new Form I-600A *before* the current approval expires. A new Form I-600A that is filed after April 1, 2008, will be considered *grandfathered* only if the following criteria apply:

- the new Form I-600A is filed before expiration of a previous period of approval of the extension of Form I-600A; **AND**
- the previous extension of approval of Form I-600A, that is about to expire was for a Form I-600A which itself was filed before April 1, 2008; **AND**
- no Form I-600 has been filed on the basis of the previous Form I-600A.

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When can I file my "grandfathered" Form I-600A?

USCIS must receive the properly filed application no more than 90 days before the expiration date of the approval of the one-time, no fee "extension" of the original, approved Form I-600A, but before the approval expires. For example, if the "extension" approval is valid until December 31, a *grandfathered* application may be filed from October 2 until December 31. If the application is filed after December 31, a Form I-800A, *Application for Determination of Suitability to Adopt a Child from a Convention Country*, must be filed and the case must be processed through the Hague Adoption Convention procedures.

What does "properly filed" mean?

- The term "properly filed" means that the application is submitted to USCIS with the proper signature(s) and fee(s) as required by the instructions of the Form I-600A. At the time of filing, the applicant must also submit all required documentation, and evidence that his/her application meets the requirements for grandfathering an application.

It is also necessary for the applicant to submit a written statement, signed under penalty of perjury, attesting that a Form I-600 has not been filed on the application. Where original approval of Form I-600A (filed prior to April 1, 2008) has been issued for more than one child, the prospective adoptive parent would attest that the corresponding number of Forms I-600 had not yet been filed.

What about filing the home study?

A home study may be submitted up to one year after the date of the filing of a Form I-600A. No action can be taken on a Form I-600A, however, until the home study is filed. If the applicant does not file a home study with the new Form I-600A, the new Form I-600A will still be *grandfathered*, if the applicant files the new Form I-600A before the approval of the prior Form I-600A expires. The new Form I-600A will not be approved, however, until after USCIS has received and reviewed the home study. To avoid delays, the applicant should always submit the new home study with the new Form I-600A. The applicant may, of course, submit a copy of the original home study, so long as it has been updated or amended so that it is current (not more than six months old) when it is submitted.

When does the approval validity date start?

Because the intent of grandfathering the Form I-600A is to maintain validity of an approval in order to continue a transitional case that is already in progress for an adoption, the validity period is *not* governed by when the home study is submitted to USCIS. The 18 month validity period will begin on the date of expiration of the approval of the original Form I-600A extension.

Since the new 18-month approval period will extend from the date the earlier approval expired, and not from the date of the decision approving the new Form I-600A, applicants are encouraged to submit all the necessary evidence, including the home study, with the new Form I-600A. Even if the decision is delayed because the home study or other evidence has not yet been submitted, the approval period will still expire 18 months after the earlier approval period. For example, if a Form I-600A approval will expire on Nov. 30, 2008, and an applicant files a new Form I-600A on Sept. 30, 2008, but does not submit the home study until September 30, 2009, the new approval will still expire May 30, 2010.

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Where can I file a "grandfathered" Form I-600A?

Grandfathered Forms I-600A are filed at the field office having jurisdiction over the applicant's current residence. If the applicant has moved to the jurisdiction of a new USCIS office since the approval of the extension of the original application, it is helpful if he/she notifies the previous office of the move. The two offices may then coordinate the transfer of any necessary information concerning the case.

If I moved after approval of the Form I-600A and the extension is about to expire, where should I file the "grandfathered" Form I-600A?

Grandfathered Forms I-600A are filed at the field office having jurisdiction over the applicant's current residence. If the field office jurisdiction has changed, it is best to let the previous office know that there has been a change of address because this will save time consolidating the information from both offices.

Can I use a Form I-600A approved for one child to apply for the adoption of a second or third child?

If the approval of the original I-600A was for more than one child, then a new Form I-600A will be "*grandfathered*" only for the total number of children for which the original Form I-600A was approved, minus the number of children for whom a Form I-600 has already been filed. For example, if the original Form I-600A was approved for three children, and two Forms I-600 have been filed, the new Form I-600A will be *grandfathered* only for one additional child. If you ask to be approved for more children than the number approved with the original Form I-600A, and the request is granted, any additional children will have to be from non-Hague countries.

The only exception to this limit is if the applicant seeks to adopt a birth sibling of a child who the applicant has already adopted, and seeks to adopt the birth sibling at the same time as the adoption of a child whose Form I-600A is *grandfathered*. If a birth sibling is located after the total number of children on the *grandfathered* Forms I-600A have actually immigrated, the birth sibling's immigration would be governed by the Hague Adoption Convention.

Does the new home study need to be compliant with the Hague Adoption Convention?

No. Because the application is "*grandfathered*" into the Orphan Process, it is also "*grandfathered*" into all regulations relating to that process. This includes all parts of the Orphan Process. In other words, the home study should comply with the Orphan regulations which can be found in the Code of Federal Regulations at 8 CFR 204.3.

Will I be able to use a one-time, no fee extension on this "grandfathered" Form I-600A?

Yes. To request an extension, prospective adoptive parent(s) must submit a written request to USCIS. The written request must explicitly request a one-time, no fee extension to the current approved Form I-600A. Applicants must also submit an amended/updated home study and any other supporting documentation of any changes in the household. The home study must also address any changes to answers submitted with the initial Form I-600A and must say whether approval is still recommended.

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Can the number of children authorized increase when the "grandfathered" Form I-600A is filed?

You may ask for and receive an increase of the number of children that you are approved for. As stated previously, however, the total number of adoptions to which "grandfathering" will apply cannot be increased after April 1, 2008. A new Form I-600A will be *grandfathered* only for the number of children specified in the original Form I-600A, minus the number of children for which a Form I-600 has already been filed. The only exception, as noted earlier, is for birth siblings who are adopted at the same time as a child whose case is *grandfathered*. For example, if you were approved for two children before April 1, 2008, and you are approved for five children under a new Form I-600A, and have not filed *any* Form I-600, the Form I-600A will be grandfathered for two children, but not grandfathered for the other three. The result is that you will be able to file up to two Forms I-600 for children from a Hague Convention country (plus any birth siblings adopted at the same time), but any additional Forms I-600 will have to be for children from a non-Hague Convention country.

Does this policy affect the rules of other countries?

No. This guidance pertains only to the United States transition case rules. It does not address what the country of the prospective adoptive child's origin may consider to be an appropriate application for its own intercountry adoption processes. Prospective adoptive parents remain subject to the requirements of the child's country of origin, should that country require that the intercountry adoption be completed under the Hague Adoption Convention.

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Chapter 4	How to Understand the Immigration Process When Adopting Children and How to Help a Fiancé (e) Immigrate to the United States
Unit 2	How to Help a Fiancé(e) Immigrate to the United States

OVERVIEW

A U.S. citizen who intends to marry a foreign national can take different paths to help his/her fiancé(e) get permanent residence.

The first option is to use the fiancé visa to bring your fiancé to the U.S. The fiancé visa is used if your fiancé(e) is currently overseas and you intend to get married in the U.S. This visa acts as a bridge to permanent residence for your fiancé(e) – it lets him or her enter the U.S. for 90 days so your marriage ceremony can take place here. Once you are married, s/he can apply for permanent residence and remain in the U.S. while we process an application for adjustment of status. If you choose this option, you will need to file a Form I-129F fiancé(e) petition. Form I-129F is available on our website at www.uscis.gov/forms. If you choose this option and if USCIS approves the I-129F, USCIS will send it to the U.S. Embassy or Consulate nearest your relative's foreign place of residence. The Consulate will then invite your fiancé(e) to apply for the actual fiancé(e) visa.

The second option is to file an immigrant petition, Form I-130, for your spouse after you have married each other overseas. If you choose this option, when the petition is approved your new husband or wife will be processed for an immigrant visa by the U.S. Embassy or Consulate, and will then enter the U.S. as a permanent resident.

The final option is if your fiancé(e) is currently in the United States in another lawful temporary status and you want to get married in the U.S. While you may marry and file the Form I-130 for him/her, there may be additional requirements that he/she will have to meet before being able to adjust status to permanent resident in the United States.

Self-guided tour through the Fiance(e) process

FAQs about the Fiance(e) process

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Are you interested in getting married to your fiancé(e) and getting permanent resident status for him/her?

- Yes
- No

Back to: Helping a Fiancé(e) Immigrate U.S. Citizen Services Main Menu

Your fiancé(e) is currently:

- Inside the United States
- Outside the United States

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Your fiancé(e) wants to:

- Depart the United States and return to get married
- Depart the United States and get married outside the United States
- Get married now

Back to: Helping a Fiancé(e) Immigrate U.S. Citizen Services Main Menu

If your fiancé (e) departs the United States and wants to return with the intent to marry you, he/she will need to obtain a K-1 fiancé (e) visa while outside the U.S. in order to return to the United States and marry you.

If your fiancé(e) returns to the United States in almost every other nonimmigrant visa category with the intent to marry you and remain in the United States, he/she may be considered to have committed visa fraud. Commission of visa fraud carries with it many consequences, including the possible denial of other benefits and/or removal from the United States.

Information about how to obtain K-1 fiancé(e) visa outside the U.S.

Back to: Helping a Fiancé(e) Immigrate U.S. Citizen Services Main Menu

If you marry your fiancé(e) in the United States, he/she will then become your husband/wife. Information on how to help a husband/wife become a permanent resident.

If you marry your fiancé(e) and he/she intends to travel after the marriage, please check with USCIS first.

Back to: Helping a Fiancé(e) Immigrate U.S. Citizen Services Main Menu

You intend to get married:

- Inside the United States
- Outside the United States

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If you choose to get married outside the United States, after you get married you will need to file a Form I-130, Petition for Alien Relative, for your spouse. After the I-130 is approved, it will be sent to the State department's National Visa Center, which will prepare it for the Consulate nearest your spouse's place of residence. At that time, you and your spouse will be contacted by mail regarding the fee associated with the visa application, and document collection. Your spouse may be invited to apply for his/her immigrant visa outside the United States at the U.S. Consulate

Note: Please check with the consulate of that country on the rules and laws pertaining to U.S. Citizens entering and/or getting married in that country before you travel.

Information on how to help a husband/wife become a permanent resident

Note to representative: If a customer has questions about bringing his/her fiancé (e) to the United States please see the FAQs for the I-129F Fiancé (e) Visa Petition

Back to: Helping a Fiancé(e) Immigrate U.S. Citizen Services Main Menu

Have you physically met your fiancé(e) within the last two years?

- Yes
- No

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In most cases, in order for your fiancé(e) to be eligible to receive the fiancé(e) visa, you must physically meet your fiancé within the two years immediately preceding the date of filing Form I-129F, Petition for Alien Fiance(e).

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Are you and your fiancé(e) legally free to marry?

- Yes
- No

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In order to be eligible for a K-1 visa, both you the petitioner, and your fiancé(e) must be legally free to marry at the time Form I-129F is filed. This means that if you or your fiancé(e) have any prior marriages, those marriages must have already ended in annulment, divorce, or the death of the former spouse prior to the filing of Form I-129F.

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Do you intend to get married within 90 days after your fiancé(e) enters the U.S.?

- Yes
- No

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It appears that the fiancé(e) petition is not the right approach for you. Both you and your fiancé(e) must have the intent to get married within 90 days after his/her entry. You may want to consider marrying your fiancé(e) outside the U.S., waiting to file the fiancé visa until you are ready to get married within 90 days, or going through the spouse relative petition process instead.

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It appears that you may want to file a Form I-129F, Fiancé(e) Visa Petition, on behalf of your fiancé(e). If the Form I-129F is approved, it will be sent to the U.S. Consulate or Embassy nearest your fiancé(e)'s foreign place of residence. Your fiancé(e) will then be scheduled for an interview to request a K-1, Fiancé(e) visa so he/she can enter the United States to marry you.

After entering the United States as a K-1 fiancé(e), he/she must marry you within 90 days. If you do not marry within the 90-day period after he/she enters in K-1 status, your fiancé(e) will have to depart the U.S. There is no extension of K-1 status.

Once your fiancé(e) enters the United States in K-1 status, he/she can apply for an employment authorization document. However, if approved, the employment authorization will expire when the K-1 status expires, 90 days after entry.

Let me ask you some other important questions about whether your fiancé(e) has children or not.

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Does your fiancé(e) have any children?

- Yes
- No – If you have any further questions, please return to the main menu.

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My fiancé(e) has a young child. Can the child come to the United States with the parent?

To be issued a visa to come to the U.S. with your fiancé(e), the child must be unmarried and under age 21. The child must also be included on the original Form I-129F. The child may be able accompany the fiancé(e) parent receiving the visa as long as all custodial issues have been resolved in that child's country.

There are other specific requirements that may have to be met in order to receive the visa. A United States Consular Officer abroad will determine eligibility for the visa.

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FAQs for the I-129F Fiancé (e) Visa Petition

- What are the basic eligibility requirements for a fiancé(e) petition?
- What if my fiancé(e) is already in the U.S. in another status and we decide to get married now?
- What if we are engaged but have not yet really decided to marry?
- If we choose the fiancé(e) visa option, how does my fiancé(e) get permanent resident status?
- What happens if we do not get married within 90 days?
- We want to make plans for our wedding. How long will this process take?
- My fiancé(e) has a child. Can the child come to the U.S. with my fiancé(e)?
- Can my fiancé(e) work in the U.S. while here on a fiancé(e) visa?
- What if my fiancé(e) uses a different kind of visa to come here so we can get married?
- What is the fee for the I-129F?
- My approved From I-129F petition expired. Can it be extended?

Not to representative: For additional information about an approved I-129 and other FAQs about approved cases, Please see Volume 1. Once you get to volume 1 navigate to Chapter 2 by choosing, "My case was recently approved or I was told that I would be approved".

Back to: Helping a Fiancé(e) Immigrate U.S. Citizen Services Main Menu

What are the basic eligibility requirements for a fiancé(e) petition?

Only a U.S. citizen can file a fiancé(e) petition. In your petition, you must prove that –

- You are a U.S. citizen; and
- You and your fiancé(e) intend to marry within 90 days of your fiancé(e) entering the U.S.; and
- You are both free to marry; and
- You have met each other in person within two years before you file this petition unless:
  - The requirement to meet your fiancé(e) in person would violate strict and long-established customs of your or your fiancé(e)'s foreign culture or social practice; or
  - You prove that the requirement to personally meet your fiancé(e) would result in extreme hardship to you.

What if my fiancé(e) is already in the U.S. in another status and we decide to get married now?

A fiancé(e) visa is only available to someone who is outside the U.S., or will be leaving the U.S. and then returning as a fiancé(e). However, if you marry your fiancé(e) while he/she is here in the U.S. in another status, then you can file a Form I-130 Petition for Alien Relative as your husband or wife. Information about spouse relative petitions and spouses getting permanent resident status.

What if we are engaged but have not yet really decided to marry?

The fiancé(e) visa is a temporary visa that simply lets your fiancé(e) enter the U.S. so you can get married here. It is not a way for you to bring a person here so you can get to know one another or spend more time together to decide whether you want to get married.

If we choose the fiancé(e) visa option, how does my fiancé(e) get permanent resident status?

First, your fiancé(e) will enter the U.S. with a fiancé(e) visa. Next the two of you marry. You will need to get married within the 90 days that his/her status lasts. As soon as you get married, your new husband/wife may apply for permanent residence by filing Form I-485.

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What happens if we do not get married within 90 days?

Fiancé(e) status automatically expires after 90 days and it cannot be extended. Your fiancé(e) must leave the U.S. at the end of the 90 days if you don't get married. If he/she does not depart, he/she will be in violation of his or her immigration status. This can affect future eligibility for immigration benefits.

We want to make plans for our wedding. How long will this process take?

We cannot guarantee a processing time. Every case is different, and the number of cases we receive varies. Please check our website www.uscis.gov for our current processing time for the Form I-129F. To be fair to all customers, we process fiancé (e) cases in the order we receive them. In addition, once we complete processing, the U.S. Consulate must process your fiancé(e) for a visa; so factor this into your plans.

My fiancé(e) has a child. Can the child come to the U.S. with my fiancé(e)?

If the child is less than 21 years old and is not married, a K-2 visa may be available to him/her. Be sure to include the name(s) of your fiancé(e)'s child(ren) on your Form I-129F fiancé(e) petition. The child may come with your fiancé(e) as long as all custodial issues have been resolved in that child's country.

Can my fiancé(e) work in the U.S. while here on a fiancé(e) visa?

Your fiancé(e) can apply for an employment authorization document after he/she is admitted to the U.S. based on the fiancé(e) visa. However, it will expire when status expires 90 days after entry.

What if my fiancé(e) uses a different kind of visa to come here so we can get married?

There could be serious consequences. Attempting to get a visa or enter the U.S. by saying one thing when you intend another may be considered immigration fraud, for which there are severe civil and criminal penalties. Those penalties include restricting a person's ability to get immigration benefits, including permanent residence, as well as a possible fine of up to $10,000 and imprisonment of up to five years.

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My approved Form I-129F petition expired. Can it be extended?

A Form I-129F petition is valid for four months from the date of approval by USCIS. A U.S. Department of State Consular Officer may extend the validity period of the petition if:

- the petition expires before visa processing is completed; and
- the consular officer finds that the petitioner and the K-1 beneficiary are legally free to marry and intend to marry each other within 90 days of the beneficiary's entry into the U.S.

The normal processing of an approved Form I-129F petition is as follows:

- USCIS sends an approved petition to the National Visa Center (NVC);
- The NVC sends the approved petition to the U.S. Embassy or Consulate that serves the country where the K-1 beneficiary resides;
- The U.S. Embassy or Consulate contacts the beneficiary to provide instructions on applying for a K-1 visa.

A U.S. citizen should have his/her fiancé(e) contact the U.S. Embassy or Consulate to request an extension of an expired K-1 petition. If the U.S. citizen or his/her fiancé(e) feels there were circumstances that contributed to the validity of the petition expiring before visa processing is complete, that information should be provided to the U.S. Embassy or Consulate. For further information about K-1 visas, please visit the Department of State's Webpage: "Nonimmigrant Visa for a Fiance(e) (K-1)."

Back to: Helping a Fiancé(e) Immigrate U.S. Citizen Services Main Menu

Chapter 5 Changing Your Address with USCIS

OVERVIEW

United States citizens are not required to keep the U.S. Citizenship and Immigration Services (USCIS) informed of their address ***unless*** the U.S. citizen has sponsored an alien for purposes of immigrating to the United States.

However, if you have an application or petition pending with USCIS, for purposes of case processing and notification of decisions or requests for evidence, etc., a United States citizen may wish to keep USCIS office informed of any address changes during the time that the petition or application is pending

Prompt: It appears you are a U.S. citizen interested in information about how to change your address with USCIS. Is that correct?

- If yes, continue below
- If no, go to where to start

For FAQs concerning changing your address with USCIS, continue below.

- You Do Not Have any Applications or Petitions Pending with USCIS but Have Filed an Affidavit of Support, Form I-864, to Financially Sponsor Someone Who Became a Permanent Resident

- You Do Not Have any Applications or Petitions Pending with USCIS and Have Not Filed an Affidavit of Support on Behalf of Someone Who Became a Permanent Resident

- If you have an application or petition pending with USCIS, please see Volume 2, Services for a Pending Case.

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United States citizens who have no applications or petitions pending with USCIS are not required to keep USCIS informed of address changes unless they have filed an affidavit of support, Form I-864, on behalf of an alien to assist that alien to immigrate to the United States.

If a United States citizen sponsors an alien by submitting a Form I-864, the U.S. citizen must keep USCIS informed of his/her address during the time the sponsor's support obligation under the affidavit of support remains in effect. If the U.S. citizen sponsor's address changes, he/she must file Form I-865, no later than 30 days after the change of address to down load the Form I-865 please visit www.uscis.gov.

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United States citizens are not required to keep USCIS informed of address changes unless they have filed an affidavit of support on behalf of an alien to assist that alien to immigrate to the United States.

For purposes of case processing and notification of decisions or requests for evidence, etc., a United States citizen who has a petition or other application pending with USCIS should keep the USCIS office informed of any address changes during the time that the petition or application is pending.

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Chapter 6 Replacing a Lost, Stolen, or Destroyed Certificate of Citizenship/Naturalization

OVERVIEW

Sometimes important documents are lost, misplaced, destroyed or stolen. If you are a naturalized citizen or if you have been issued a certificate of citizenship and your naturalization certificate or certificate of citizenship has been lost, stolen, mutilated, or destroyed, you can apply for a replacement certificate by filing an Application for Replacement of Naturalization Citizenship Document, Form N-565, with USCIS.

Prompt: It appears you are a U.S. citizen interested in information about replacing a lost naturalization certificate or certificate of citizenship. Is that correct?

- If yes, continue below
- If no, go to where to start

How do I locate my Naturalization Certificate number?

How do I request a certified copy of my naturalization certificate?

For FAQs concerning replacing a lost, stolen, or destroyed certificate of citizenship/naturalization, continue below.

- How do I replace a lost, stolen, or destroyed naturalization certificate or certificate of citizenship?
- Do I apply for a new certificate if my name or other information changed?
- How can I get the Form N-565?
- How should I organize my N-565 application?
- How will my N-565 application be processed?
- How long will it take USCIS to process my N-565 application?
- Will USCIS issue interim documentation while my N-565 application is pending?
- Where Do I File the N-565?
- Can I get information over the phone about my alien registration or naturalization certificate number?
- Why USCIS redesigned the certificate of citizenship?

Back to: U.S. Citizen Services Main Menu

How do I replace a lost, stolen, or destroyed naturalization certificate or certificate of citizenship?

To apply to replace your naturalization certificate or certificate of citizenship issued by USCIS or by the former U.S. Immigration and Naturalization Service, file a Form N-565, *Application for Replacement Naturalization Citizenship Document.* You can get a Form N-565 from our website at www.uscis.gov.

Do I apply for a new certificate if my name or other information changed?

If there was an error and information on your certificate was wrong when it was issued, you should apply for a corrected certificate.

If your name has legally changed after your certificate was issued, such as through a marriage, divorce or court order, it is your choice whether to apply for an updated certificate. It is not required. USCIS will not otherwise update a certificate that was correct when issued.

To replace a Naturalization Certificate or Certificate of Citizenship, apply using Form N-565.

How can I get the Form N-565?

You can get a Form N-565 from our website at www.uscis.gov.

How should I organize my N-565 application?

Follow the instructions on the application on organizing your application and include the following initial evidence:

- Your N-565 application completely filled out and signed.
- A check or money order for the total filing fee attached to the front of your application.
- If an attorney or accredited representative represents you, include a signed Form G-28, Notice of Entry of Appearance as Attorney or Representative.
- 2 identical passport-style photos.
- Write your name and your USCIS account number, or A#, on the back of each photo in pencil.
- If you are filing to correct your certificate or because it was in error, include your original certificate.
- If you are filing to replace a lost or stolen certificate, include a copy if you have one.
- If you have legally changed your name since your certificate was last issued, include evidence of each name change since that last certificate was issued.

Can I get information over the phone about the alien registration or naturalization certificate number?

USCIS will not provide or release any personal information over the phone. In order to receive the information you are requesting, you must make an appointment on line with info pass, and must appear in person at the local USCIS office that have jurisdiction over your residency.

Why did USCIS redesign the certificate of citizenship?

The new method of producing certificates will rely on a printing process that is more tamper and fraud resistant than the previous printing methods.
For more information about the new naturalization certificate please visit www.uscis.gov and the resource can be found under USCIS Fact Sheets

Back to: Lost/Destroyed Naturalization/Citizenship Certificates U.S. Citizen Services Main Menu

How will my N-565 application be processed?

USCIS may interview you as part of the N-565 application process to establish your identity. USCIS will notify you of the decision on your application. If the application is approved, an approval notice will be mailed to you.

How long will it take USCIS to process my N-565 application?

Note to Representative: Please provide the customer with the estimated processing time from the website, and then inform the customer of the following:

Processing time depends on a number of factors and any estimate that USCIS provides to its customers is only an estimate, not a guarantee. You can also check updated processing time estimates for an application or petition by visiting www.uscis.gov and selecting "See Office Case Processing Times" under the Tools tab. These estimates are updated monthly, typically after the 15th of the month.

Will USCIS issue interim documentation while my N-565 application is pending?

No. Evidence of U.S. citizenship cannot be issued until the necessary research is completed.

How do I locate my Naturalization Certificate number?

The naturalization certificate number is located on the top right hand corner of your naturalization certificate. The number beginning with "A" is not your certificate number; it is your alien number.

How do I request a certified copy of my Naturalization Certificate?

If you need to have a Certificate of Naturalization "authenticated," USCIS can copy the document and certify it as a true copy. "Authentication" is a term used by the U.S. Department of State and other Governments to describe what USCIS refers to as Certified True Copies. When you require a Certificate of Naturalization to be authenticated, be sure to use the term "Certified True Copy." If you have the original document to be certified, you must make an appointment with your local USCIS office by using the InfoPass Appointment Scheduler on our website. When you go to your appointment, be sure to bring your original naturalization certificate and a copy of it. Also bring another form of photo identification, such as a driver's license or passport. A USCIS officer will review the documents and may certify the copy, if the officer can confirm your identity and status as a naturalized citizen.

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Chapter 7 Information about Same-sex Marriage

FAQs about Same-sex Marriage

Petitioning for my Spouse

- I am a U.S. citizen or lawful permanent resident in a same-sex marriage to a foreign national. Can I now sponsor my spouse for a family-based immigrant visa?
- I am a U.S. citizen who is engaged to be married to a foreign national of the same sex. Can I file a fiancé or fiancée petition for him or her?
- My spouse and I were married in a U.S. state that recognizes same-sex marriage, but we live in a state that does not. Can I file an immigrant visa petition for my spouse?

Applying for Benefits

- Do I have to wait until USCIS issues new regulations, guidance or forms to apply for benefits based upon the Supreme Court decision in *Windsor*?
- My Form I-130, or other petition or application, was denied solely because of DOMA. What should I do?

Changes in Eligibility Based on Same Sex

- What about immigration benefits other than for immediate relatives, family-preference immigrants, and fiancés or fiancées? In cases where the immigration laws condition the benefit on the existence of a "marriage" or on one's status as a "spouse," will same-sex marriages qualify as marriages for purposes of these benefits?
- If I am seeking admission under a program that requires me to be a "child," a "son or daughter," a "parent," or a "brother or sister" of a U.S. citizen or of a lawful permanent resident alien, could a same-sex marriage affect my eligibility?

FAQ's continue on the next page

Residency Requirements

- Can same-sex marriages, like opposite-sex marriages, reduce the residence period required for naturalization?

Inadmissibility Waivers

- I know that the immigration laws allow discretionary waivers of certain inadmissibility grounds under certain circumstances. For some of those waivers, the person has to be the "spouse" or other family member of a U.S. citizen or of a lawful permanent resident. In cases where the required family relationship depends on whether the individual or the individual's parents meet the definition of "spouse," will same-sex marriages count for that purpose?

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I am a U.S. citizen or lawful permanent resident in a same-sex marriage to a foreign national. Can I now sponsor my spouse for a family-based immigrant visa?

Yes, you can file the petition. You may file a Form I-130 (and any applicable accompanying application). Your eligibility to petition for your spouse, and your spouse's admissibility as an immigrant at the immigration visa application or adjustment of status stage, will be determined according to applicable immigration law and will not be denied as a result of the same-sex nature of your marriage.

I am a U.S. citizen who is engaged to be married to a foreign national of the same sex. Can I file a fiancé or fiancée petition for him or her?

Yes. You may file a Form I-129F. As long as all other immigration requirements are met, a same-sex engagement may allow your fiancé to enter the United States for marriage.

My spouse and I were married in a U.S. state that recognizes same-sex marriage, but we live in a state that does not. Can I file an immigrant visa petition for my spouse?

Yes. As a general matter, the law of the place where the marriage was celebrated determines whether the marriage is legally valid for immigration purposes. Just as USCIS applies all relevant laws to determine the validity of an opposite-sex marriage, we will apply all relevant laws to determine the validity of a same-sex marriage.

Do I have to wait until USCIS issues new regulations, guidance or forms to apply for benefits based upon the Supreme Court decision in *Windsor*?

No. You may apply right away for benefits for which you believe you are eligible.

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My Form I-130, or other petition or application, was denied solely because of DOMA. What should I do?

USCIS will reopen those petitions or applications that were denied solely because of DOMA section 3. If such a case is known to us or brought to our attention, USCIS will reconsider its prior decision, as well as reopen associated applications to the extent they were also denied as a result of the denial of the Form I-130 (such as concurrently filed Forms I-485).

Once your I-130 petition is reopened, it will be considered anew—without regard to DOMA section 3—based upon the information previously submitted and any new information provided. USCIS will also concurrently reopen associated applications as may be necessary to the extent they also were denied as a result of the denial of the I-130 petition (such as concurrently filed Form I-485 applications).

Additionally, if your work authorization was denied or revoked based upon the denial of the Form I-485, the denial or revocation will be concurrently reconsidered, and a new Employment Authorization Document issued, to the extent necessary. If a decision cannot be rendered immediately on a reopened adjustment of status application, USCIS will either (1) immediately process any pending or denied application for employment authorization or (2) reopen and approve any previously revoked application for employment authorization. If USCIS has already obtained the applicant's biometric information at an Application Support Center (ASC), a new Employment Authorization Document (EAD) will be produced and delivered without any further action by the applicant. In cases where USCIS has not yet obtained the required biometric information, the applicant will be scheduled for an ASC appointment.

No fee will be required to request USCIS to consider reopening your petition or application pursuant to this procedure. In the alternative to this procedure, you may file a new petition or application to the extent provided by law and according to the form instructions including payment of applicable fees as directed.

What about immigration benefits other than for immediate relatives, family-preference immigrants, and fiancés or fiancées? In cases where the immigration laws condition the benefit on the existence of a "marriage" or on one's status as a "spouse," will same-sex marriages qualify as marriages for purposes of these benefits?

Yes. Under the U.S. immigration laws, eligibility for a wide range of benefits depends on the meanings of the terms "marriage" or "spouse." Examples include (but are not limited to) an alien who seeks to qualify as a spouse accompanying or following to join a family-sponsored immigrant, an employment-based immigrant, certain subcategories of nonimmigrants, or an alien who has been granted refugee status or asylum. In all of these cases, a same-sex marriage will be treated exactly the same as an opposite-sex marriage.

If I am seeking admission under a program that requires me to be a "child," a "son or daughter," a "parent," or a "brother or sister" of a U.S. citizen or of a lawful permanent resident alien, could a same-sex marriage affect my eligibility?

There are some situations in which either the individual's own marriage, or that of his or her parents, can affect whether the individual will qualify as a "child," a "son or daughter," a "parent," or a "brother or sister" of a U.S. citizen or of a lawful permanent resident. In these cases, same-sex marriages will be treated exactly the same as opposite-sex marriages.

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Can same-sex marriages, like opposite-sex marriages, reduce the residence period required for naturalization?

Yes. As a general matter, naturalization requires five years of residence in the United States following admission as a lawful permanent resident. But, according to the immigration laws, naturalization is available after a required residence period of three years, if during that three year period you have been living in "marital union" with a U.S. citizen "spouse" and your spouse has been a United States citizen. For this purpose, same-sex marriages will be treated exactly the same as opposite-sex marriages.

I know that the immigration laws allow discretionary waivers of certain inadmissibility grounds under certain circumstances. For some of those waivers, the person has to be the "spouse" or other family member of a U.S. citizen or of a lawful permanent resident. In cases where the required family relationship depends on whether the individual or the individual's parents meet the definition of "spouse," will same-sex marriages count for that purpose?

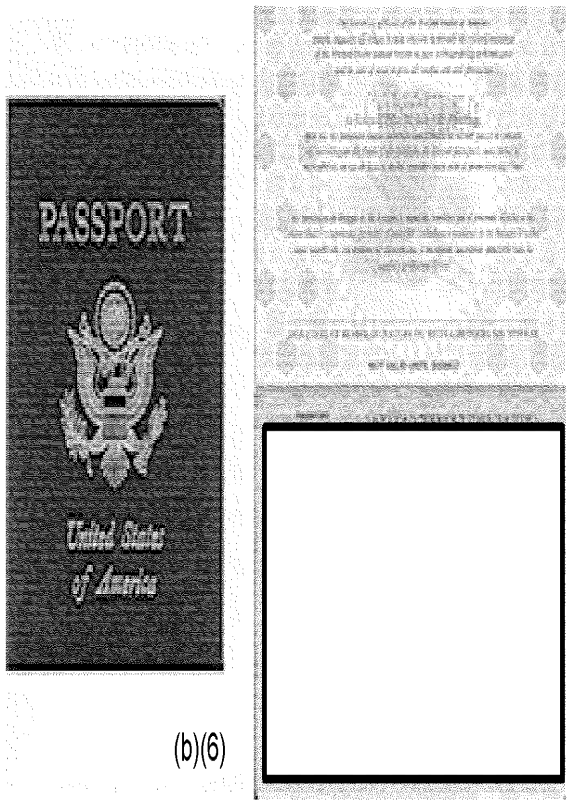
Yes. Whenever the immigration laws condition eligibility for a waiver on the existence of a "marriage" or status as a "spouse," same-sex marriages will be treated exactly the same as opposite-sex marriages.

Back to: Information about Same-sex Marriage U.S. Citizen Services Main Menu

SAMPLE U.S. PASSPORT

A UNITED STATES PASSPORT is a document that is issued by the State Department to persons who have established that they are citizens of the United States by birth, naturalization, or derivation of citizenship. The primary purpose of the passport is to facilitate travel to foreign countries by establishing U.S. citizenship and acting as a vehicle to display any appropriate visas and/or entry/exit stamps that may be necessary.

Passports are also very reliable documents that may be used within the United States to establish citizenship, identity, and employment authorization.



NOTE: There are approximately 15 different versions of the U.S. passport that are presently valid and vary from the 1998 illustration above.

Back to: U.S. Citizen Services Main Menu

The information contained here is a basic guide to help you become generally familiar with many of our rules and procedures. Immigration law can be complex, and it is impossible to describe every aspect of every process. After using this guide, the conclusion reached, based on your information, may not take certain factors such as arrests, convictions, deportations, removals or inadmissibility into consideration.

We cannot provide legal advice. If you believe you may have an issue such as any described above, it may be beneficial to consider seeking legal advice from a reputable immigration practitioner such as a licensed attorney or nonprofit agency accredited by the Board of Immigration Appeals before seeking this or any immigration benefit.

For more information about immigration law and regulations, please see our website at www.uscis.gov.

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WHAT INFORMATION ARE YOU SEEKING? (PLEASE CHOOSE ONE BELOW)

FAQs related to Permanent Residents:

Back to: Main Menu

Chapter 1 Information About How a Permanent Resident Can Become a U.S. Citizen and General Naturalization Information

OVERVIEW

The process of applying for U.S. citizenship is known as *naturalization*. In most cases, a person who wants to naturalize must first be a permanent resident. In order to be eligible for naturalization, an individual must first meet certain requirements required by U.S. immigration law. This section provides information to customers about eligibility for naturalization.

Prompt: It appears you are interested in becoming a U.S. citizen through naturalization. Is that correct?

- If YES, continue below.
- If NO, go to "Where to start"

Note to Representative: Choose one of the options below to assist the customer

- A general overview of eligibility requirements for naturalization
- Help a customer determine if he/she may be eligible for naturalization.
- Information about how persons with active duty service in the U.S. Armed Forces during specified periods of hostilities or during peacetime may be able to naturalize.
- Information about naturalization for military dependents living abroad

Back to: Services for Permanent Residents and Naturalization Main Menu

The process of applying for U.S. citizenship is known as ***naturalization***. In order to be eligible for naturalization, you must first meet certain requirements required by U.S. immigration law.

Generally, to be eligible for naturalization you must:

- Be age 18 or older; and
- Be a permanent resident for a certain amount of time (usually 5 years or 3 years, depending on how you obtained status); and
- Be a person of good moral character; and
- Have basic knowledge of U.S. government (this, too, can be excepted due to physical or mental impairment)
- Have a period of continuous residence and physical presence in the United States; and
- Be able to read, write and speak basic English. There are exceptions to this rule for someone who at the time of filing:
    - Is 55 years old and has been a permanent resident for at least 15 years; or
    - Is 50 years old and has been a permanent resident for at least 20 years; or
    - Has a physical or mental impairment that makes them unable to fulfill these requirements

Before you apply for naturalization you must reside within the jurisdiction of the USCIS District Office where your naturalization will take place for at least 90 days. To apply for naturalization, file Form N-400, Application for Naturalization. Instructions for how to properly file Form N-400 are located at www.uscis.gov/n-400.

For more information on the naturalization process, please see our manual, M-476, A Guide to Naturalization.

The Form N-400 is available at www.USCIS.gov/n-400 and the M-476 is available at www.USCIS.gov/natzguide. If you have questions after you read the application and/or the manual, please check our website at www.USCIS.gov or call the USCIS Customer Service toll-free number at 1-800-375-5283 for more information.

USCIS also offers a website to help you prepare for naturalization. The Citizenship Resource Center has:

- Naturalization eligibility requirements
- Current filing fees and processing times
- English and civics study materials for the citizenship test
- Video and audio resources
- An English and citizenship class locator
- Tips on finding help in your community

You may obtain citizenship preparation information at www.USCIS.gov/citizenship.

Continue on the next page

Access Form N-400

Help a customer determine if he/she may be eligible for naturalization.

Additional FAQs about the naturalization process

Information about some very specific groups of persons who may be eligible for naturalization based on extremely specific circumstances

Back to: Information about Naturalization Services for Permanent Residents and Naturalization Main Menu

Lawful Permanent Resident (LPR) Spouse of a Member of the Armed Forces

Any period of time that the LPR spouse of a member of the Armed Forces is residing (or has resided) abroad counts as residence and physical presence in the United States, if during such time spent abroad, the spouse meets the following conditions if:

- The LPR is the spouse of a member of the Armed Forces; and
- The LPR spouse is authorized to accompany and reside abroad with the member of the Armed Forces pursuant to the member's official orders; and
- The LPR spouse is so accompanying and residing abroad with the member in marital union.

Such an LPR spouse of a member of the Armed Forces may apply for Naturalization abroad and may be able to go through the interview process and oath ceremonies at the U.S. embassies, consulates, and/or U.S. military installations overseas.

Dependent child of a U.S. citizen Member of the Armed Forces

Any period of time the U.S. citizen member of the Armed Forces is residing (or has resided) abroad counts as physical presence in the U.S. for his or her dependent child if the following conditions have been met:

- The child is authorized to accompany and reside abroad with the member of the Armed Forces pursuant to the member's official orders; and
- The child is accompanying and residing abroad with the member; and
- The member of the Armed Forces is residing (and has resided) abroad per official orders.

Such a child may also undergo all naturalization proceedings abroad.

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Are you age 18 or older?

- Yes
- No

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To apply for naturalization, you must be age 18 or older, unless you are or were a member of the armed forces during a period of armed conflict designated by the President of the United States,

Are you or were you ever a member of the United States Armed Forces?

- Yes
- No

Note to Representative: For more information about acquisition of citizenship, see Volume 4.2.2B, *Determining if You are a U.S. Citizen*.

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Are you a permanent resident?

- Yes
- No

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Have you been a permanent resident for at least 5 years?

- Yes
- No

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Have you been employed for 5 years overseas by a bona fide United States incorporated nonprofit organization that is principally engaged in dissemination of information abroad?

- Yes
- No

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Are/Were you a member of the U.S. armed forces on active duty at any time since September 11, 2001?

- Yes
- No

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Are you currently married to a U.S. Citizen?

- Yes
- No

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Is your U.S. citizen spouse ***regularly*** stationed abroad for more than one year with a United States company, in a ministry, or with the U.S. government?

- Yes
- No

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Is your spouse employed or affiliated with one of the following entities below?

- the United States Armed Forces;
- the United States Government;
- An American institution of research recognized by USCIS or by a public international organization of which the United States is a member by treaty or law;
- An American company engaged in the development of United States foreign trade and commerce, or its subsidiary;
- Performing ministerial or priestly functions by a religious denomination with a bona fide organization in the United States; or
- Employed as a missionary by a religious or interdenominational mission organization with a bona fide organization in the United States.

  - Yes
  - No

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Were you married to a U.S. citizen, or were you the child or parent of a U.S. citizen, who died as a result of being on Active Duty Honorable Service in the U.S. Armed Forces?

- Yes
- No

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Have you been married to your U.S. citizen spouse for three years?

- Yes
- No

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Have you been a permanent resident for at least three years?

- Yes
- No

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Generally, you must be a permanent resident before you file for naturalization. There is an exception to this requirement if you are a member of the United States Armed Forces and you have been on active duty at any time since September 11, 2001.

Are/were you a member of the armed forces on active duty at any time since September 11, 2001?

- Yes
- No

Back to: Information about Naturalization Services for Permanent Residents and Naturalization Main Menu

The information you have provided indicates that you may not be able to obtain citizenship through the naturalization process at this time. If you believe this information is incorrect, please go back to the beginning of the qualification tour.

Back to: Information about Naturalization Services for Permanent Residents and Naturalization Main Menu

It appears that you may not be qualified to obtain naturalization at this time. We encourage you to apply once you believe you meet all of the necessary requirements.

Note to Representative: Information about some very specific groups of persons who may be eligible for naturalization based on extremely specific circumstances

Back to: Information about Naturalization Services for Permanent Residents and Naturalization Main Menu

Have you already resided within the jurisdictional area of the USCIS District Office where your naturalization will take place for at least 90 days?

- Yes
- No

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You have indicated that you have not resided for at least 90 days within the new jurisdiction area where the USCIS office processes your application for naturalization. It appears that you have not met the residency requirement. We invite you to consider naturalization when you have met the residence requirement.

Back to: Information about Naturalization Services for Permanent Residents and Naturalization Main Menu

It appears that you may wish to file the Form N-400 at this time. Let's quickly re-visit what we've covered thus far:

The naturalization eligibility requirements for someone who has been a permanent resident for at least 5-years, in general, are

- You must be at least 18 years of age when you apply; and
- When you apply you must already be a permanent resident, and have been one for at least the past 5 years;

In addition:

- During those last 5 years, you must have continuously resided in the United States.
- You must have been physically present in the United States for 30 months out of the 5 years. (Subtract all of your absences during your 5 years as a permanent resident to find out how long you have been physically present in the United States.); and
- You must be a person of good moral character; and
- You must have the required knowledge of Civics and English; and
- You must support the Constitution of the United States and willing to take an oath of allegiance.

Note to Representative: Any change of address must be reported to USCIS within ten days. If you fail to report that you move to a new address in a timely manner it may delay the processing of your application.

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Naturalization eligibility requirements if a person has been a permanent resident for five years and has been continuously employed for 5 years by United States organizations engaged in disseminating information.

To be eligible for naturalization as a permanent resident that has been continuously employed by a U.S. organization engaged in disseminating information for at least five years, you must:

- Establish that you are employed by a bona fide United States incorporated nonprofit organization which is principally engaged in dissemination of information abroad which significantly promotes United States interests abroad and which is recognized as such by the Attorney General; and
- Establish that you have been employed continuously with such organization for a period of not less than five years after a lawful admission of permanent residence; and
- File your application for naturalization while employed or within six months following the termination of such employment;

In addition, you must:

- Be present in the United States at the time of naturalization; and
- Declare in good faith, upon naturalization before USCIS, an intention to take up residence within the United States immediately following your termination of employment; and
- Be a person of good moral character;
- Have the required knowledge of Civics and English; and
- Support the Constitution of the United States, and favorably disposed toward the good order and happiness of the United States.

Note to Representative:

Permanent residents who are working overseas for the following organizations are not required to meet physical presence in the U.S. and/or the 90 days residency in the state or district they will be naturalizing.

- Free Europe, Inc.; formerly Free Europe Committee, Inc.; National Committee for a Free Europe (including Radio Free Europe)).
- Radio Liberty Committee, Inc. (formerly American Committee for Liberation, Inc.; American Committee for Liberation of the Peoples of Russia, Inc.; American Committee for Liberation from Bolshevism, Inc.)

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Have you resided within the jurisdictional area of the USCIS District Office where your naturalization will take place for at least 90 days?

- Yes
- No

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It appears that you may wish to file the Form N-400 at this time. Let's quickly re-visit what we've covered thus far

You may be able to apply for naturalization after being a permanent resident of the United States for 3 years, instead of the standard 5 years as a permanent resident if you are married to a United States citizen, and:

- You are over 18; and
- You have been married to your U.S. citizen spouse for the last 3 years; and
- Your spouse has been a United States citizen for the last 3 years; and
- The two of you have been continuously living in marital union for those 3 years and are still living in marital union.

In addition:

- During the last 3 years, you must have continuously resided in the United States.
- You must have been physically present in the United States for 18 months out of the 3 years. (Subtract all of your absences during your 3 years as a permanent resident to find out how long you have been physically present in the United States.); and
- You must be a person of good moral character; and
- You must have the required knowledge of Civics and English; and
- You must support the Constitution of the United States and willing to take an oath of allegiance.

Note to Representative: Any change of address must be reported to USCIS within ten days. If you fail to report that you move to a new address in a timely manner it may delay the processing of your application

OTHER FAQs Related to Accelerated Naturalization Based on Marriage to a U.S. Citizen

- What evidence do I need to qualify for accelerated naturalization eligibility?

- What if I qualify to apply because I am married to, and living with, a United States citizen, but while my application is pending, we separate or divorce?

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What evidence do I need to qualify for accelerated naturalization eligibility?

File your Form N-400 application and include the following evidences to show that you qualify under this accelerated eligibility program:

- Current marriage certificate ; and
- Evidence that your spouse is a United States citizen and has been one for at least the last 3 years; and
- Evidence the two of you have been living in marital union for the past 3 years and still live in marital union; and
- If you did not become a permanent resident based on this marriage and either of you was married before, evidence of the legal termination of all prior marriages;

Any other required evidences indicated on the Form N-400

What if I qualify to apply because I am married to, and living with, a United States citizen, but while my application is pending, we divorce?

If you and your spouse divorce, you will no longer be eligible to naturalize under the accelerated eligibility program that requires that you be married to, and living with, a United States citizen spouse. You must notify the office where your application is pending if you and your spouse divorce while your application is pending.

However, you may still be eligible to apply for naturalization after you have been a permanent resident for five years.

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Naturalization for a Permanent Resident Whose U.S. Citizen Spouse is Employed Abroad

- What are the naturalization eligibility requirements for a permanent resident that has been married to a U.S. citizen and that U.S. citizen is regularly stationed abroad?
- What evidence do I need to qualify for accelerated naturalization eligibility?

Back to: Information about Naturalization Services for Permanent Residents and Naturalization Main Menu

What are the naturalization eligibility requirements for a permanent resident who has been married to a U.S. citizen and that U.S. citizen is stationed abroad?

You can apply for naturalization without any prior length of time as a permanent resident if you are currently a permanent resident who is over the age of 18 and whose U.S. citizen spouse is ***regularly*** stationed abroad. ***Your intention must be to join your spouse abroad to live with him or her 30 to 45 days after you are naturalized.*** Your intention must also include taking up residence within the United States immediately upon the termination of your U.S. citizen spouse's employment abroad.

In order to be eligible, your United States citizen spouse would be considered as regularly stationed abroad in any of the following kinds of employment:

- As a member of the United States Armed Forces;
- As an employee of the United States Government;
- As an employee of an American institution of research recognized by USCIS or by a public international organization of which the United States is a member by treaty or law;
- As an employee of an American company engaged in the development of United States foreign trade and commerce, or its subsidiary;
- Performing ministerial or priestly functions by a religious denomination with a bona fide organization in the United States; or
- Employed as a missionary by a religious or interdenominational mission organization with a bona fide organization in the United States;

In addition, you must establish that:

- You are a person of good moral character; and
- You have the required knowledge of Civics and English; and
- You support the Constitution of the United States and willing to take an oath of allegiance.

What evidence do I need to qualify for accelerated naturalization eligibility?

File your Form N-400 application and include the following evidences to show that you qualify under this accelerated eligibility program:

- Current marriage certificate; and
- Evidence that your spouse is a United States citizen
- Evidence that your U.S. citizen spouse is regularly employed and stationed abroad; and
- If you did not become a permanent resident based on this marriage and either of you was married before, evidence of the legal termination of all prior marriages;
- Any other required evidence indicated on the Form N-400.

Note to Representative: You must be in the United States at the time of your naturalization, and you must prove that you intend to take up residence in the United States after the overseas employment of your spouse ends.

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Permanent Resident Surviving Spouse, Child or Parent of U.S. Citizen who Died During a Period of Active Duty Honorable Service in the U.S. Armed Forces

First, let us take this opportunity to express our condolences and to also thank you and your family for the supreme sacrifice made by your U.S. citizen family member.

Because you were the spouse, child or parent of a U.S. citizen who died while serving his/her country on honorable active duty in the United States military in a time of conflict, you can apply for naturalization if you are a permanent resident without any specific required length of time as a permanent resident. You must, however, meet certain other requirements, including:

- You are at least 18 years of age; and
- You (if filing as a surviving spouse) were living in marital union with your U.S. citizen spouse at the time of his or her death; and
- You must be a person of good moral character; and
- You must have the required knowledge of Civics and English; and
- You must support the Constitution of the United States and willing to take an oath of allegiance.

You may file Form N-400 application attaching evidence showing that you qualify under the accelerated eligibility program

If you have specific questions relating to your N-400 application, please call our Military Helpline at 1-877-247-4645 and listen to the menu of services available to assist U.S. Armed Forces members and their families. N-400 live assistance is available between 8 a.m. and 4:30 p.m. CST.

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Are you currently on active duty in the U.S. military?

- Yes
- No

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Did you honorably serve in an active-duty status in the United States Armed Forces during any one of the following "periods of military hostilities"?

- World War I (April 6, 1917 – November 11, 1918); or
- World War II (September 1, 1939 – December 31, 1946); or
- Korea (June 25, 1950 – July 1, 1955); or
- Vietnam (February 28, 1961 – October 15, 1978); or
- The Persian Gulf (August 2, 1990 – April 11, 1991), or
- Overseas Contingency Operation, also known as the War on Terrorism (September 11, 2001 – Present);

- Yes, I served in one of the periods listed above

- No, I did not serve in one of the periods listed above

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Members of the U.S. Armed Forces or those already discharged from service, whose service was performed in peacetime, may qualify for naturalization if he or she has:

- Served honorably for at least one year;
- Obtained lawful permanent resident status; and
- Filed an application while still in the service or within six months of separation.

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At the time of your induction or enlistment into the U.S. Armed Forces, were you in the United States, the Canal Zone, American Samoa or Swains Island?

- Yes
- No

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At the time of your induction or enlistment into the U.S. Armed Forces, were you in the United States, the Canal Zone, American Samoa or Swains Island?

- Yes
- No

Back to: Information about Naturalization Services for Permanent Residents and Naturalization Main Menu

Because, at the time of your induction or enlistment, you were in the United States, the Canal Zone, American Samoa or Swains Island; you can apply for naturalization **without any prior length of time as a permanent resident** and without having to satisfy the requirements of continuous residence and physical presence in the U.S.

In addition to the previous qualifications, you must:

- Be a person of good moral character; and
- Have the required knowledge of Civics and English; and
- Support the Constitution of the United States and willing to take an oath of allegiance.

As of October 1, 2004, you can apply for naturalization at a U.S. Consulate or Embassy abroad. The entire process may be done at the Consulate/Embassy, including any interview or swearing in ceremony. In addition, there will be no fee for the application for you.

You will need the Forms N-400 and N-426 with your DD Form 214 or NGB Form 22 to apply. Please note that USCIS will make every effort to expedite the naturalization process for active members of the U.S. military.

If you have specific questions relating to your N-400 application, please call our Military Helpline at 1-877-CIS-4MIL (1-877-247-4645) and listen to the menu of services available to assist U.S. Armed Forces members and their families. If you are a military member deployed overseas, access your Defense Switched Network (DSN) Domestic Base Operator for assistance. N-400 live assistance is available between 8 a.m. and 4:30 p.m. CST.

We also have a brochure, the M-599, which explains the naturalization process for active members of the military.

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Because you are already a lawful permanent resident of the United States, you can apply for naturalization even though, at the time of your induction or enlistment, you were not in the United States, the Canal Zone, American Samoa or Swains Island.

In addition to the previous qualifications, you must:

- Be a person of good moral character; and
- Have the required knowledge of Civics and English; and
- Support the Constitution of the United States and willing to take an oath of allegiance.

You can apply for naturalization at a U.S. Consulate or Embassy abroad. The entire process may be done at the Consulate/Embassy, including any interview or swearing in ceremony. In addition, there will be no fee for the application for you.

You will need the Forms N-400 and N-426 with your DD Form 214 or NGB Form 22 to apply. Please note that USCIS will make every effort to expedite the naturalization process for active members of the U.S. military.
If you have specific questions relating to your N-400 application, please call our Military Helpline at 1-877-CIS-4MIL (1-877-247-4645) and listen to the menu of services available to assist U.S. Armed Forces members and their families. If you are a military member deployed overseas, access your Defense Switched Network (DSN) Domestic Base Operator for assistance. N-400 live assistance is available between 8 a.m. and 4:30 p.m. CST.

We also have a brochure, the M-599, which explains the naturalization process for active members of the military.

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Because at the time of your induction or enlistment you were not in the United States, the Canal Zone, American Samoa or Swains Island, you must be a permanent resident before applying for naturalization.

Are you already a lawful permanent resident of the United States?

- Yes
- No

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Because at the time of your induction or enlistment you were not in the United States, the Canal Zone, American Samoa or Swains Island, you must be a permanent resident before applying for naturalization.

Are you already a lawful permanent resident of the United States?

- Yes
- No

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Because at the time of your induction or enlistment you were in the United States, the Canal Zone, American Samoa or Swains Island, you can apply for naturalization **without any prior length of time as a permanent resident**.

In addition to the previous qualifications, you must:

- Be a person of good moral character; and
- Have the required knowledge of Civics and English; and
- Support the Constitution of the United States and willing to take an oath of allegiance.

You will need the Forms N-400 and uncertified N-426 with your DD Form 214 or NGB Form 22 to apply. Please note that USCIS will make every effort to expedite the naturalization process for active members of the U.S. military if all the following conditions are met:

- The applicant is separated from the Armed Forces at the time of filing Form N-400;
- The applicant submitted a completed but uncertified Form N-426;
- The applicant submitted a photocopy of his or her DD Form 214 (or photocopies of multiple DD Form 214s) or NGB Form 22 for all periods of service captured on Form N-426; and
- The DD Form 214 lists information on the type of separation and character of service (such information is found on page "Member-4").

If you have specific questions relating to your N-400 application, please call our Military Helpline at 1-877-CIS-4MIL (1-877-247-4645) and listen to the menu of services available to assist U.S. Armed Forces members and their families. N-400 live assistance is available between 8 a.m. and 4:30 p.m. CST.

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Because you are already a lawful permanent resident of the United States, you can apply for naturalization even though, at the time of your induction or enlistment, you were not in the United States, the Canal Zone, American Samoa or Swains Island.

In addition to the previous qualifications, you must:

- Be a person of good moral character; and
- Have the required knowledge of Civics and English; and
- Support the Constitution of the United States and willing to take an oath of allegiance.

You will need the Forms N-400 and N-426 with your DD Form 214 or NGB Form 22 to apply. Please note that USCIS will make every effort to expedite the naturalization process for active members of the U.S. military if all the following conditions are met:

- The applicant is separated from the Armed Forces at the time of filing Form N-400;
- The applicant submitted a completed but uncertified Form N-426;
- The applicant submitted a photocopy of his or her DD Form 214 (or photocopies of multiple DD Form 214s) for all periods of service captured on Form N-426 with your DD Form 214 or NGB Form 22; and
- The DD Form 214 lists information on the type of separation and character of service (such information is found on page "Member-4").

If you have specific questions relating to your N-400 application, please call our Military Helpline at 1-877-CIS-4MIL (1-877-247-4645) and listen to the menu of services available to assist U.S. Armed Forces members and their families. N-400 live assistance is available between 8 a.m. and 4:30 p.m. CST.

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These specific groups of persons may also be eligible to naturalize:

- Member of the Armed Forces Killed in Action (Posthumous Naturalization)
- Permanent Resident Seamen
- Nationals of the United States who want to Naturalize
- Naturalization after Loss of Citizenship

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Who Can Apply for Posthumous Citizenship on behalf of someone who dies while serving on active duty during a period of hostility?

Posthumous citizenship can be administered to a person who honorably served in an active-duty status in the United States Armed Forces and died as a direct result of that service during a period of military hostilities.

Applications for posthumous citizenship must be filed within two years of the death.

Only one person who is either the *next-of-kin* or another *representative of the decedent* may apply for posthumous citizenship on the decedent's behalf. The next of kin or representative will file a Form N-644.

Next-of Kin
Next-of-kin means the closest surviving blood or legal relative of the decedent in the following order of succession:

(1) The Spouse;
(2) The Father/Mother;
(3) The Son/Daughter;
(4) The Brother/Sister, if none of the persons described above survive the decedent.

A person who is a next-of-kin who wishes to apply for posthumous citizenship on behalf of the decedent, if there is a surviving next-of-kin in the line of succession above him or her, is required to obtain authorization to make the application from all surviving next-of-kin in the line of succession above him or her.

The authorization shall be in the form of an affidavit stating that the affiant authorizes the requester to apply for posthumous citizenship on behalf of the decedent. The affidavit must include the name and address of the affiant, and the relationship of the affiant to the decedent.

If you have specific questions relating to Posthumous Naturalization, please call our Military Helpline at 1-877-CIS-4MIL (1-877-247-4645) and listen to the menu of services available to assist U.S. Armed Forces members and their families. Posthumous Naturalization live assistance is available between 8 a.m. and 4:30 p.m. PST.

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Representative of Decedent

When there is a surviving next-of-kin, an application for posthumous citizenship shall only be accepted from a representative provided authorization has been obtained from all surviving next-of-kin. However, this requirement shall not apply to the executor or administrator of the decedent's estate. In the case of a service organization acting as a representative, authorization must also have been obtained from any appointed representative. A veteran's service organization must submit evidence of recognition by the Department of Veterans Affairs.

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A seaman is a person who is a lawful permanent resident, who has served honorably or with good conduct, in any capacity other than as a member of the Armed Forces of the United States,

A) On board a vessel operated by the United States, or an agency thereof, the full legal and equitable title to which is in the United States; or
B) On board a vessel whose home port is in the United States, and
   (i) Which is registered under the laws of the United States, or
   (ii) The full legal and equitable title to which belongs to a citizen of the United States, or a corporation organized under the laws of any of the several States of the United States,

You can apply for naturalization as a seaman if you:

- Are age 18 or over; and
- Are a permanent resident; and
- Have served honorably or with good conduct in any capacity other than as a member of the Armed Forces of the United States while a permanent resident on board a vessel operated by the United States or a vessel whose home port is the United States as described above; and
  - Such service occurred within five years immediately preceding the date you file an application for naturalization.

In addition, you must:

- Be a person of good moral character; and
- Have the required knowledge of Civics and English; and
- Support the Constitution of the United States and willing to take an oath of allegiance.
- Attach all required evidences including evidence of service on board,

If you meet the other qualifications herein, you do **NOT** need physical presence or residence in the United States

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A naturalization applicant who is a national of the United States is eligible to file for naturalization if:

- The applicant becomes a resident of any U.S. state; and
- Are at least 18 years of age; and
- Must be a person of good moral character; and
- Must have the required knowledge of Civics and English; and
- Must support in the Constitution of the United States and be willing to take an oath of allegiance.
- Meet the Continuous residence requirement ; and
- Have resided 3 months in a State or Service district where the naturalization will take place to meet physical presence requirement.
- Provide any required evidences as indicated on the Form N-400.

For U.S. nationals, residence and physical presence in an outlying possession of the United States will count as residence and physical presence in the United States.

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In what instances can a person who lost their U.S. citizenship be able to regain their U.S. citizenship?

The following persons who were U.S. citizens and lost their citizenship may be able to apply to regain citizenship if they:

- During World War II and while a citizen of the United States, served in the military, air, or naval forces of any country at war with a country with the United States, or
- Prior to September 22, 1922, lost United States citizenship by marriage to an alien, or by the loss of United States citizenship of such person's spouse, or (2) on or after September 22, 1922, lost United States citizenship by marriage to an alien ineligible for citizenship.

Note to Representative: If the caller wants more information about these naturalization eligibilities, they should be encouraged to review the information in the Immigration and Nationality Act, Parts 324 and 327, which may be found on the Internet. If the caller asks to speak to an officer concerning these eligibilities, please transfer the call to Tier 2, UNLESS Tier 2 live assistance is unavailable.

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General Naturalization Requirements

With few exceptions, an applicant for naturalization must be a permanent resident of the United States for a certain number of years before applying for naturalization. Also with few exceptions, an applicant for naturalization is required to both continuously reside and be physically present in the United States for a specific amount of time.

For example, most people who apply for naturalization have already been a permanent resident for 5 years. They must also have continuously resided in the United States during the entire 5-year period and have been physically present in the United States for half of the 5-year period (2.5 years). However, an example of an applicant who does not need continuous residence or physical presence is someone who is serving in the U.S. Armed Forces abroad during a qualifying period of hostilities.

In most cases, after you apply for naturalization, you must reside continuously in the United States until your application is granted and you are naturalized.

To be eligible for naturalization you must be a person of good moral character, have knowledge of Civics and English and support the Constitution of the United States.

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FAQs about 'Physical Presence' and 'Continuous Residence' for Purposes of Naturalization

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Are 'physical presence' and 'continuous residence' the same thing?

Physical Presence

The total number of days you have been physically in the United States is considered 'physical presence'. (Adding the number of days you are outside of the United States and subtracting them from the required days you need to be a permanent resident will calculate your 'physical presence').

Continuous Residence

The length of each trip you take may be very relevant to deciding whether your residence has been continuous. An absence from the United States can be long enough to interrupt your accrual of time for continuous residence. If that happens, you must start the process over again once you return to the United States. You must accrue the necessary number of days for continuous residence in the United States in order to be able to apply for naturalization. (For example, a trip in which you are absent from the United States for more than 6 months can affect your continuous residence).

Absence from the United States of more than six months but less than one year during the period for which continuous residence is required for admission to citizenship, ***immediately preceding the date of filing the application*** for naturalization, ***or during the period between the date of filing the application and the date of any hearing***, shall break the continuity of residence, unless the applicant can establish that he/she did not in fact abandon his/her residence in the United States during such period.

Absence less than 6 months

An absence of less than 6 months does not affect the continuity of residence.

Absence 6 months to 1 year

An absence of this length normally breaks continuous residence. However, you may be able to prove that it did not interrupt the continuity of your residence if you include the required information with your N-400, Application for Naturalization.

Examples of factors that can demonstrate continuous residence, even though you have had an absence of up to 1 year, may include:

- Your employment in the United States was not terminated while you were abroad or that you did not work while abroad; or
- Your immediate family remained in the United States; or
- You kept full access of your house or apartment in the United States the entire time you were out of the country.

Absence longer than 1 year

Any absence from the United States for more than one year breaks continuous residence. However, under certain conditions and circumstances, you may be eligible to preserve the continuity of your residence for naturalization purposes by filing a Form N-470.

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If I am in the United States part of a day, does that day count as being here or being absent?

If you are in the United States for part of a day, the day counts as time in the United States.

If I am a commuter resident am I eligible to apply for naturalization?

No. A commuter lawful permanent resident may not apply for naturalization until he or she has actually taken up permanent residence in the United States and until such residence has continued for the required statutory period. Once you have taken up residence in the United States, you can apply for the issuance of a new permanent resident card that does not indicate you are a commuter by filing the Form I-90.

Does an absence that interrupts continuous residence mean I have to start over to accrue the necessary residence?

After an absence that interrupts continuous residence, you must accrue length of time for continuous residence:

- A naturalization applicant who must have 5 years continuous residence before he/she is eligible to file, is required to accrue 4 years and 1 day of continuous residence after returning to the United States from an interruptive absence; ***and***
- A naturalization applicant who must have 3 years of continuous residence before filing is required to accrue 2 years and one day of continuous residence after returning to the United States from an interruptive absence.

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Are there any exceptions that change the effect of absences from the United States?

The special circumstances where absences do not have effect on continuous residence and physical presence is accomplished by filing a Form N-470, *Application to Preserve Residence for Naturalization Purposes and:*

- Serving in the United States Armed Forces
- Employed or under contract to the United States Government
- Employed by a United States nonprofit corporation principally engaged in disseminating information abroad that significantly promotes United States interests and is so recognized by CIS
- Serving on a United States vessel
- A United States national
- Serving solely as a minister, priest, or as a missionary, brother, nun or sister, for a religious or international denomination with a valid presence in the United States
- Employed by an American company engaged in the development of United States foreign trade and commerce, or by its subsidiary
- Employed by an American research institution recognized as such by USCIS
- Employed by a public international organization of which the United States is a member by treaty or statute

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Serving in the United States Armed Forces

Any time served in the United States Armed Forces automatically counts towards your continuous residence and physical presence. You do not need to file a separate application, just submit evidence of your military service with your naturalization application.

Employed or under contract to the United States Government

If you file to preserve your residence requirements for naturalization purposes, and your application is approved, then time spent abroad as a U.S. Government employee, or under a U.S. Government contract, counts towards your continuous residence and physical presence requirements.

Employed by a United States nonprofit corporation principally engaged in disseminating information abroad that significantly promoted United States interests and is so recognized by USCIS

You are exempt from the continuous residence and physical presence requirements if:

- You have been an employee of the corporation for at least 5 years since you became a permanent resident, and
- You apply for naturalization while still an employee or within 6 months of the end of this employment.

You do not need to file a separate application. Just submit evidence with your naturalization application.

Serving on a United States vessel

Time after you became a permanent resident spent serving on a vessel operated by the U.S or on a vessel registered in the United States automatically counts towards your continuous residence and physical presence if your service occurred within the 5 years before you apply for naturalization. You do not need to apply to file a separate application. Just submit evidence your time qualifies with your naturalization application.

A United States national

After you have the required 3-month residence in a State of the United States, the time you spend in outlying United States possessions automatically counts towards your continuous residence and physical presence. You do not need to file a separate application. Please submit evidence showing that you meet the residence requirement.

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Serving solely as a minister, priest, or as a missionary, brother, nun or sister, for a religious or international denomination with a valid presence in the United States

If you file to preserve your residence for naturalization purposes and your application is approved, then time working solely in such a religious capacity since you became a permanent resident counts towards your continuous residence and physical presence.

Employed by an American company engaged in the development of United States foreign trade and commerce, or by its subsidiary

If you file to preserve your residence for naturalization purposes and your application is approved, then absences while so employed will not interrupt your continuous residence, but it will not count towards your physical presence.

Employed by an American research institution recognized as such by USCIS

If you file to preserve your residence for naturalization purposes and your application is approved, then time while so employed will not interrupt your continuous residence, but will not count towards your physical presence.

Employed by a public international organization of which the United States is a member by treaty or statute

If you were not employed by a public international organization until after you became a permanent resident and you file to preserve your residence for naturalization purposes, and your application is approved, the time while so employed will not interrupt your continuous residence, but will not count towards your physical presence.

What is the difference between applying to preserve residence for naturalization and a reentry permit?

A reentry permit simply serves as a travel document and allows you to reenter the United States without obtaining a returning resident visa. It does not preserve residence for the purpose of naturalization.

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How do I apply to preserve my residence?

If you need to apply to preserve your residence, file Form N-470, "Application to Preserve Residence for Naturalization Purposes".

- This application is separate from the application for naturalization.

Follow the instructions on your application. You will need the following:

- Your N-470 application completely filled out and signed
- A check or money order for the total filing fee attached to the front of the Form N-470
- If you are represented by an attorney, then include:
- A signed Form G-28 'Notice of Entry of Appearance as Attorney or Representative'.
- A copy of the front and back of your Permanent Resident Card
- Evidence for the basis of your eligibility

Does my spouse and/or children have to file separate applications?

No. The person who is personally and directly eligible for the benefit can file the Form N-470. The name of dependents that will live abroad with the principal applicant must be included.

When can I file an N-470?

Unless, you are a religious worker, you must have lived in the United States as a permanent resident for one uninterrupted year before you file an N-470. Religious workers are not required to have lived in the United States for a specific period of time prior to filing Form N-470. You can apply before you leave the United States, or at any time up until you have been outside the United States for a year.

- If you will be absent from the United States to work performing ministerial or priestly functions, you can file your application any time, either before you leave, while abroad, or after your return to the United States.
- For any other person, after you have lived in the United States for one uninterrupted year as a permanent resident, you can file your application. But if you leave the United States before you file your N-470, you must file it before you have been outside the United States for one year. An application filed after you have been abroad for a year cannot be approved.

Do I have to be in the United States when I file my N-470 application?

No. You can apply before you leave the United States or at any time up until you have been outside the United States for one year.

- For those performing ministerial or priestly functions, you can file at any time.

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How will my N-470 application be processed?

USCIS will notify you of the decision.

If your application is approved, an approval notice will be mailed to your United States address. Included dependents will be listed on the approval notice.

What does approval of an N-470 mean?

It means that, based on the facts presented, your absence will not be considered to interrupt your continuous residence for the purpose of naturalization.

However, if circumstances change, such as you are no longer employed as indicated in your original application, when you file your N-400 application for naturalization it could still be determined that you do not have the necessary continuous residence.

If you file a tax return as a non-resident alien, this would create a presumption that you have abandoned your permanent residence even if you have an approved N-470.

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Good Moral Character

To be eligible for naturalization, you must prove you are a person of good moral character. Good moral character is evaluated on a case-by-case basis on the standards of the average citizen in the community. No one thing proves good moral character, but certain actions make it impossible for you to show that you are of good moral character.

General FAQs

- What kinds of things permanently bar a finding of good moral character?
- Are there other things that temporarily bar a finding of good moral character?
- What kinds of things do I have to reveal in my application?
- If I have ever committed a crime, or been arrested or detained, what should I include with my application?
- What if my arrest or conviction was vacated, set aside, sealed, expunged, or was otherwise removed from my record?
- Will USCIS do its own checks to see if I have any criminal convictions or arrests?
- What happens if I have a criminal record?

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What kinds of things permanently bar a finding of good moral character?

The following situations would permanently bar a finding of good moral character:

- A conviction for murder;
- Any aggravated felony conviction on or after November 29, 1990.

In addition, the law separately and permanently bars a person from being eligible to naturalize who has ever:

- Deserted from the United States Armed Forces, left the United States to avoid the draft, or who applied for an exemption or discharge because they were not a United States citizen.

Are there other things that temporarily bar a finding of good moral character?

An application cannot be approved while an applicant is on probation, parole or a suspended sentence.

You cannot establish good moral character if during the last 5 years (last 3 years if applying under an accelerated eligibility program based on your marriage to a United States citizen):

- You were convicted of two or more crimes for which the total sentence was 5 years or more;
- You were imprisoned for 180 days or more as a result of a conviction;
- You committed and were convicted of any offense relating to a controlled substance;
- You committed and were convicted of a crime involving moral turpitude (for example – theft, fraud, assault with a deadly weapon), unless it was a petty offense;
- You helped or tried to help anyone enter the United States illegally, or lied to gain any immigration benefit;
- You practiced polygamy (being married to more than 1 person at the same time);
- You were a habitual drunkard;
- You derived your income principally from illegal gambling, or you committed or were convicted of two or more gambling offenses; or
- You engaged in prostitution.

In addition, since good moral character involves a review of a broad variety of circumstances, it usually cannot be concluded that you have the necessary good moral character if during the last 5 years (last 3 years if applying under an accelerated eligibility program based on your marriage to a United States citizen):

- You failed to pay federal, state or local taxes or fines;
- You failed to pay court-ordered child support or alimony; or
- You were convicted of drunk driving.
- We can also determine that you are not a person of good moral character if you have committed or been convicted of other bad acts that don't otherwise preclude you from establishing good moral character.

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What kinds of things do I have to reveal in my application?

The most important thing is to be completely honest.

- Except for minor traffic offenses that did not result in your arrest (and drunk driving is not considered a minor traffic offense), you should always reveal any arrest, whether or not charged, and any conviction, and whether or not the conviction has been expunged, sealed or vacated.
- If you committed a crime but were not arrested for it, you must still reveal it.
- Even if you have committed what you believe to be a minor crime, you should reveal it on your application because USCIS may deny your application if in it you do not tell us about an incident that is significant and material to your eligibility.
- You must reveal facts and actions even if a lawyer, judge or other person has said that you have no record and do not have to disclose the incidents

If I have ever committed a crime, or been arrested or detained, what should I include with my application?

Except for simple traffic violations, (and drunk driving is not a simple traffic violation), you must include with your application:

- For each arrest in which no charges were filed, include an official statement from the arresting agency or the applicable court indicating that no charges were filed;
- For each charge, conviction, alternative sentencing or rehabilitative program placement, include:
- An original or certified copy of the complete court disposition (dismissal order, conviction record or acquittal order), and
- Evidence you have completed every sentence (such as an original or certified copy of a probation record, parole record, or evidence you completed the alternative sentencing program or rehabilitative program).
- If you are not sure whether an incident was an arrest, charge or conviction, attach any police or court records relating to the incident along with your complete explanation, and
- If you have ever committed a crime but not been arrested for it, file your application with a complete explanation and any relevant documents.

Note to Representative: A certified court disposition may be obtained from the clerk of the court where the hearing was held. If unable to obtain court records, applicants should request a "statement of unavailability" from the court and obtain police records.

What if my arrest or conviction was vacated, set aside, sealed, expunged, or was otherwise removed from my record?

You must still reveal this in your application, and for each instance include an original or certified copy of the court order.

Note to Representative: A certified court disposition may be obtained from the clerk of the court where the hearing was held. If unable to obtain court records, applicants should request a "statement of unavailability" from the court and obtain police records.

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Will USCIS do its own checks to see if I have any criminal convictions or arrests?

Yes. USCIS will conduct its own checks, including sending your fingerprints to the FBI to see if you have a criminal record.

- The fact USCIS will conduct its own checks does not lessen your obligation to inform USCIS of your entire criminal record.
- If you have arrests or convictions and you do not submit disposition records with your application, at a minimum it will slow processing of your application. Your failure to disclose them in your application could also lead to denial of your application.

What happens if I have a criminal record?

USCIS will review your case and will make a decision based on the information you provided and information collected from law enforcement database. The outcome of a decision is based on the circumstances of each case.

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Knowledge of Civics and English

To be eligible for naturalization, you must pass a citizenship test, which requires a basic Knowledge of Civics, History and government of the United States, and the ability to speak and understand English at a basic level.

Note to Representative: Certain applicants for naturalization may not be given the examination to meet the requirements of English and Knowledge of the US Government History if they have fulfilled the requirements as part of obtaining permanent resident status through legalization.

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Are there any circumstances under which I can get a waiver for the Civics and/or English requirements?

You may be able to have the English language requirement waived, if at the time of filing:

- You are at least 50 years old and have lived in the United States as a permanent resident for at least 20 years (50/20); **or**
- You are at least 55 years old and have lived in the United States as a permanent resident for at least 15 years (55/15).

If you fall into one of these categories, you may take the examination(s) in your own native language. However, you will still have to take the full version of the Civics test.

You may be able to have the English language requirement waived **and** you may qualify to take a simplified civics test in your native language if, at the time of filing:

- You are at least 65 years old and have lived in the United States as a permanent resident for at least 20 years (65/20); **or**
- You are a Hmong veteran and you filed your N-400 application for naturalization on or before May 26, 2003; **and**
  - You were admitted to the United States as a refugee from Laos, and you served with a special guerrilla unit, or irregular forces, operating from a base in Laos in support of the United States military at any time between February 28, 1961 and September 18, 1978; or
  - Your spouse at the time you were admitted as a refugee had so served; or
  - You are the widow of a person who served during a qualifying period and file your application on or before November 1, 2003.

Do I need to notify USCIS that I believe I am qualified for a waiver of the English language requirement?

No. However, you must meet the requirements for age and time as a Permanent Resident at the time you file your application to qualify for an exception.

Note to Representative: Please provide the age/time requirements in the above FAQ to the customer if you have not already done so.

If you qualify for an exception based on age and time as a Permanent Resident, an interpreter who is proficient in English and the language of your choice may accompany you to the interview or USCIS may select one for you.

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Are there any exceptions to testing if I am disabled?

To be eligible for naturalization, you must demonstrate an understanding of the English language, including an ability to read, write, and speak words in ordinary usage. You must also demonstrate a knowledge and understanding of the fundamentals of the history and principles and form of government of the United States. Together, these are known as the English and civics requirements for naturalization. If you have a physical or developmental disability and/or a mental impairment that makes you unable to pass the English and/or civics test, then you may be eligible for an exception to the test(s). Your disability must have existed for at least 12 months, or be expected to last at least 12 months. The disability and/or mental impairment must not have been caused by illegal drug use.

An applicant who can satisfy the English and civics requirements with reasonable accommodations provided under the Rehabilitation Act of 1973 does not need to submit Form N-648. Reasonable accommodations include, but are not limited to, sign language interpreters, extended time for testing and off-site testing. Illiteracy alone is not a valid reason to seek an exception to the English and civics requirement by submitting this form

How do I apply for a disability exception to the citizenship test requirement?

To qualify for the disability exception, you should submit Form N-648, Medical Certification for Disability Exception, at the time you file your N-400, Application for Naturalization, with USCIS. You can also submit your Form N-648 at the time of your interview, but it may delay the adjudication of your case.

Prior to submitting Form N-648, you should make sure that a medical doctor, doctor of osteopathy or clinical psychologist licensed to practice in the United States (including Guam, Puerto Rico, Washington, DC, and the Virgin Islands) has completed and certified the form. In addition, you, or a legal guardian, must also sign the form.

If you are requesting a reasonable accommodation, please indicate your accommodation request in Part 3 of your completed Form N-400.

You can find additional detailed information about disability exceptions and reasonable accommodations on our Web site, www.uscis.gov.

What does the citizenship test exception cover?

If you properly submit Form N-648 with USCIS, and the agency determines that you qualify for a disability exception, then you will not need to take the required English and/or civics test for naturalization. Approval of Form N-648 does not exempt you from meeting all other requirements for naturalization.

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Is a medical evaluation required for the N-648?

Yes, you must obtain a medical evaluation for completion of Form N-648. Only medical doctors, doctors of osteopathy or clinical psychologists licensed to practice in the United States (including Guam, Puerto Rico, Washington, DC, and the Virgin Islands) are authorized to complete and certify Form N-648. The medical professional must certify that you are unable to demonstrate or fulfill the English and/or civics testing requirements.

When should I submit Form N-648? Should I submit any additional information?

You should submit your Form N-648 with your N-400, Application for Naturalization. You can also submit Form N-648 at the time of your naturalization interview, but it may delay the adjudication of your case.

Prior to submitting Form N-648, you should make sure that a licensed medical doctor, doctor of osteopathy or licensed clinical psychologist completed and certified the form. In addition, you, or a legal guardian, must also sign the form.

If you are represented by an attorney or accredited representative, you will also need to ensure that a signed Form G-28, Notice of Entry of Appearance as Attorney or Representative" is included in your application packet.

How will my N-648 application be processed?

During your naturalization interview, a USCIS Officer will determine your eligibility for an exception based on your properly submitted Form N-648.

How can I prepare for the citizenship test?

How can I prepare for the citizenship test?

- The citizenship test will test your knowledge of English and civics. English language ability is evaluated through tests for English reading, writing, and speaking. The civics test has questions on U.S. history and government.
- USCIS has a website to help you prepare. The Citizenship Resource Center includes English and civics study materials for the citizenship test; a video on what to expect at the naturalization interview and test; an online self test; and an English and citizenship class locator. Visit www.USCIS.gov/citizenship.
- Many schools and community organizations help people prepare for the citizenship test. Visit www.USCIS.gov/citizenship to find help in your community. From the homepage, select the "Learners" link at the top, next select "Find Help in Your Community."

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How is the citizenship test given?

During your interview, a USCIS Officer will evaluate your English language ability and knowledge of U.S. history and government (civics) through tests.

English Portion of the Test

You must read 1 sentence out of 3 sentences correctly in English, and you must write 1 sentence out of 3 sentences correctly in English. Your ability to speak and understand English is determined during your eligibility interview with a USCIS Officer on Form N-400, Application for Naturalization.

Civics Portion of the Test

There are 100 possible civics (history and government) questions on the naturalization test. The civics test is an oral test and the USCIS Officer will ask you up to 10 of the 100 civics questions. You must answer 6 out of 10 questions correctly to pass the civics portion of the naturalization test.

Study Materials

You will find study materials on the Citizenship Resource Center located at www.USCIS.gov/citizenship. From the homepage, select the "Learners" link at the top, next select "Study for the Test." Scroll to the bottom of the page for links to the study materials for the English and civics test. When you select the link for the English test, you will find easy-to-use flash cards containing vocabulary words to help study for the English reading and writing portion of the naturalization test. When you select the link for the civics test, you will find study materials for the civics test including the list of 100 questions and answers, Civics Flash Cards, and an online self test. The list of 100 civics questions and answers is available in Spanish, Chinese, Arabic, Korean, Tagalog, and Vietnamese.

Can a family member and/or an interpreter come to the interview to help me?

A family member or interpreter can come with you to your fingerprint appointment or interview if you believe you need assistance.

- However, the decision to permit a family member or interpreter to be with you during your interview will depend on the particular circumstances, and usually can only be made when you appear for your interview.
- No one can assist you in taking the citizenship test.

What happens if I fail the citizenship test?

If you do not pass the citizenship test, you will be given a second opportunity to pass the citizenship test, but this will delay the processing of your case. Your second opportunity to pass the citizenship test is normally within 2 to 3 months. You will be given specific instructions at the interview if you fail the test.

If I fail part of the citizenship test, will I have to retake the entire test?

If you do not pass any part of the citizenship test, you will be given a second opportunity to pass the citizenship test, but this will delay the processing of your case. Your second opportunity to pass the citizenship test is normally within 2 to 3 months. You will be given specific instructions at the interview if you fail the test.

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Support of the Constitution of the United States

The process of naturalization allows a person to become a citizen of the United States with all the rights, protections and responsibilities of citizenship. Through naturalization you declare your 'attachment' to the United States and belief in the Constitution when you take the Oath of Allegiance.

General FAQs

- What is the Oath of Allegiance?
- Is willingness to take the Oath of Allegiance all that is required to show attachment to the Constitution?
- What is the Selective Service?
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- By taking the oath do I give up my current citizenship?

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What is the Oath of Allegiance?

The Oath of Allegiance is an oath that every person who is being naturalized must take.

By taking the oath:

- You renounce your allegiance to any other country or sovereign; and
- You declare your allegiance to the United States, to its Constitution, and to the principles of that Constitution, including your willingness to defend the United States by force of arms and perform other work when required by law.

Is willingness to take the Oath of Allegiance all that is required to show attachment to the Constitution?

Willingness to take the Oath of Allegiance is only a part of the determining factors that show an attachment to the United States Constitution and the principles behind it.

Examples of things that would result in a finding that you do not have the required attachment to the Constitution are:

- If you are male and failed to register with the United States Selective Service;
- If, after turning 16 years of age and within the last 10 years, or while your application is pending:
  - You were a member of any communist or totalitarian party anywhere in the world; or
  - You advocated:
    - The establishment of a communist or totalitarian government in the United States,
    - The overthrow of the United States government or any government by force,
    - The duty or necessity of killing officers of the United States or other governments because of their official status, or
    - Sabotage, or unlawful damage or injury or destruction of property; or
- If you have ever deserted from the United States Armed Forces, left the United States to avoid the draft, or been discharged or applied for an exemption or discharge because you were not a United States citizen.

What is the Selective Service?

The Selective Service System is the Federal agency responsible for providing manpower to the United States Armed Forces in an emergency.

Selective Service registration allows the United States Government to maintain a list of names of men who may be called into military service in case of a national emergency that requires a rapid expansion of the United States Armed Forces. By registering all young men, the Selective Service can ensure that any future draft will be fair and equitable.

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Who has to register with the Selective Service?

Every male in the United States who was born after December 3, 1959 is required to register for Selective Service when he turns 18, or when he enters the United States if he enters between the ages of 18 and 26.

- When you apply for naturalization, you must provide your Selective Service number to USCIS – this is the number assigned to you when you registered for the Selective Service.

Are there any exceptions for registering for the Selective Service?

A man does not have to register for Selective Service if he was born before December 4, 1959, or if he did not enter the United States until after he turned 26.

A man who is in the United States as a nonimmigrant is not required to registered for Selective service

What if I failed to register with the Selective Service?

If you failed to register with the Selective Service and are:

- Not yet 26
  - You can complete your registration and receive your registration number from the Selective Service.
  - If you don't register, any application you file for naturalization will be denied.

- Already 26 or older
  - Contact the Selective Service and complete their questionnaire. You will receive a 'status information letter' from Selective Service. Submit this letter and your complete explanation of why you failed to register along with your application for naturalization.
  - Your failure to register usually leads to a finding that you do not meet the good moral character requirement for naturalization unless you can clearly show in your application for naturalization that:
    1. Your failure to register was unknowing and not willful, AND
    2. That you do intend to meet all requirements of the Oath of Allegiance.

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How do I contact the Selective Service?

If you are between 18 and 26, you can register for the Selective Service:

- At any United States Post Office; or
- On the Selective Service System website at: www.sss.gov

To confirm that you are registered, if you can't remember your number or for more information about selective service requirements and procedures:

- Check the Selective Service System's website, or
- Call them at 1-847-688-6888 or call the toll free number at 1-888-655-1825

Can the Oath of Allegiance ever be waived or modified?

Yes. In certain circumstances there can be a modification or waiver of the Oath of Allegiance. These circumstances are as follows:

- If you are unable or unwilling to promise to bear arms or perform noncombatant service because of religious training and belief, you may request to leave out those parts of the oath. USCIS may require you to provide documentation from your religious organization explaining its beliefs and stating that you are a member in good standing.
- If you are unable or unwilling to take the oath with the words "on oath" and "so help me God" included, you must notify USCIS that you wish to take a modified Oath of Allegiance. Applicants are not required to provide any evidence or testimony to support a request for this type of modification. See 8 CFR 337.1(b).
- USCIS can waive the Oath of Allegiance when it is shown that the person's physical or developmental disability, or mental impairments, makes them unable to understand, or to communicate an understanding of, the meaning of the oath. See 8 USC 337.

Do I become a United States citizen when my application is approved or must I wait until I take the Oath of Allegiance?

You will officially become a United States Citizen when you take the Oath of Allegiance.

By taking the oath do I give up my current citizenship?

In taking the Oath of Allegiance, you renounce all allegiance to all foreign states. From the point when you take the oath, the United States considers you to only be a United States citizen.

- Laws in many countries provide that a citizen of that country may automatically lose citizenship if they become a United States citizen through naturalization.
- Other countries do not recognize any voluntary renouncing of citizenship, and will continue to consider you a citizen of that country.

For more information about the laws of a certain country, please contact that country's embassy or consulate.

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Naturalization Process

Note to Representative: Information about some very specific groups of persons who may be eligible for naturalization based on extremely specific circumstances

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FAQs about Applying for Naturalization

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When can I apply for naturalization?

You may be able to apply for naturalization if you are at least 18 years of age and have been a permanent resident of the U.S.:

- For at least 5 years; or
- For at least 3 years during which time you have been, and continue to be, married to and living in marriage with your U.S. citizen spouse; or
- Have honorable service in the U.S. military.

Certain spouses of U.S. citizens and members of the military may be able to file for naturalization sooner than noted above previously.

A self-guided tour to help you determine if naturalization is right for you

Note to Representative: Information about some very specific groups of persons who may be eligible for naturalization based on extremely specific circumstances

How do I apply for naturalization?

To apply for naturalization, file Form N-400, Application for Naturalization.

For more information on the naturalization process, please see our manual, M-476, A Guide to Naturalization.

If you are in the military and are interested in becoming a U.S. citizen, please see our brochure, M-599, Naturalization Information for Military Personnel.

USCIS has educational materials and resources to help you prepare for the citizenship test (English and civics portions). Visit the Citizenship Resource Center at www.USCIS.gov/citizenship, to find information on how to find English and citizenship preparation classes in your area, learn about free citizenship information sessions offered by USCIS in your area, and download study materials for the English and civics portions of the citizenship test.

When can I file my N-400 application?

Most applicants wait until they have fulfilled the length of residence, continuous residence and physical presence requirements before they file.

- You can choose to file your naturalization application 90 days before the end of the required period of continuous residence.
  - If you choose to file early, be sure you meet all the other requirements as of the day you file your naturalization application.

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How should I organize my N-400 application?

Follow the instructions on the application and in the Guide to Naturalization (Form M-476) on organizing your application and include the following initial evidence:

- Your N-400 application completely filled out and signed.
- A check or money order for the total filing fee attached to the front of your naturalization application.
- If an attorney or accredited representative represents you, include a signed form G-28, 'Notice of Entry of Appearance as Attorney or Representative'.
- Include 2 identical passport-style photographs taken no more than 30 days before you file your application.
  - Write your name and your USCIS account number, or A#, on the back of each photo in pencil.
- A copy of the front and back of your Permanent Resident Card.
- If you are filing under an accelerated eligibility program, include evidence that you meet all the requirements of that program.
- If you have ever been arrested or detained by a law enforcement officer, or charged with or convicted of any offense except a minor traffic violation, include all the special evidence.
- If you have ever been in the United States Armed Forces, or are applying based on your spouse's military service, include a completed Form N-426, 'Request for Certification of Military or Naval Service'. With your DD Form 214 or NGB Form 22.
- Include copies of every legal change of name since your current card was issued, if applicable.
- If you want to change your name as part of your naturalization, include your signed request, if applicable.
- Include evidence that shows you qualify for uninterrupted continuous residence, if applicable.
- If you have been outside the United States for more than 6 months on any one trip during your eligibility period, include :
  - Your explanation of why you believe the absence(s) should not be considered to interrupt the required continuity of your residence.
- If you have ever been ordered to provide financial support to a dependent spouse or child(ren), include both:
  - Copies of the court or government order to provide financial support, and
  - Evidence you have consistently and timely complied with the requirement.
- Medical disability exemption from the citizenship test, if applicable.
- Failed to file an income tax return, if applicable.
- Overdue Federal, state or local taxes, if applicable.
- Federal tax return as a non-resident, if applicable.
- Registration number for Selective Service, if applicable.

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Do I have to be in the United States when I file my N-400 application?

An applicant does not necessarily need to be in the United States when filling an N-400 application. Please refer to M-476, A Guide to Naturalization, for more information about filing from overseas.

Do I need to submit photographs with the N-400?

Yes, you should include two passport-style photographs with your application.

How will I know when I need to get fingerprinted?

Once you have filed an N-400 with USCIS, you will receive a letter from USCIS telling you where and when to have your fingerprints taken. In most cases, the letter will tell you to go to an Application Support Center or a police station.

Take your USCIS fingerprint notice letter and Permanent Resident Card, along with another form of identification (driver's license, passport, state identification card) with you. Your second form of identification should have your photograph on it.

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FAQs about Paying for the Application for Naturalization (Form N-400) using a Credit Card

How do I pay for the N-400 using a credit card?

What kinds of credit cards and gift cards are accepted?

Is there any additional charge for paying with a credit card?

How will USCIS process my payment?

How will the charge appear on my credit card statement?

How do I know my information is safe?

Can I pay for multiple Form N-400, Application for Naturalization, with the same Form G-1450?

Can I submit multiple Form N-400, Application for Naturalization, using a mix of check, money order, and credit card payments?

Can I pay part of the Form N-400, Application for Naturalization, fees with a check and the rest with a credit card?

Can I use multiple cards (gift, credit, or debit) to pay the fee for a single Form N-400, Application for Naturalization,?

Can a third party pay the Form N-400, Application for Naturalization, fee on my behalf by filling out Form G-1450 with his or her credit card information?

What happens to my credit card information after USCIS receives it?

What happens to my Form G-1450 if my Form N-400, Application for Naturalization, is rejected?

What happens if my credit card is declined?

How do I find legal assistance to complete my application on my behalf?

How can I avoid being a victim of an immigration scam?

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How do I pay for the N-400 using a credit card?

Complete Form G-1450, Authorization for Credit Card Transaction, and place it on top of your Form N-400, Application for Naturalization, package. Mail the package following the instructions on www.uscis.gov/N-400.

What kinds of credit cards and gift cards are accepted?

You may use Visa, MasterCard, American Express and Discover. You may also use gift cards with the logos of Visa, MasterCard, American Express and Discover. For example, you could pay with a Visa Pre-paid card.

If you choose to pay with a credit or gift card, you must pay the entire fee using a single card.

Please ensure the gift card has enough money to cover the fees because USCIS will reject your application if the card is declined.

Is there any additional charge for paying with a credit card?

No. There is no additional charge for paying for your Form N-400, Application for Naturalization, with a credit card.

How will USCIS process my payment?

USCIS will use the Department of Treasury Pay.gov Collections Control Panel (CCP) service to process your payment. CCP is a web-based application that allows government agencies to process payments by credit or debit cards.

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How will the charge appear on my credit card statement?

You will see a charge from 'USCIS N400 Paym'. (Please review the What is the Filing Fee section of the Form N-400 instructions or visit www.uscis.gov/N-400 for more information about the filing fee and biometric services fee.)

How do I know my information is safe?

The Department of Treasury ensures that Pay.gov is Payment Card Industry Data Security Standard (PCI DSS) compliant. PCI DSS is a set of requirements designed to ensure ALL companies processing, storing, or transmitting credit card information maintain a secure environment. For more information, visit the U.S. Department of Treasury Web site at https://www.fiscal.treasury.gov/fsservices/gov/rvnColl/crdAcqgServ/rvnColl_cas_requirements.htm

Can I pay for multiple Form N-400, Application for Naturalization, with the same Form G-1450?

No. You must include one Form G-1450 for each application submitted. USCIS will reject each application submitted if you only submit one Form G-1450 with multiple applications. For example, if you submit five different applications, you must include five separate Form G-1450s.

Can I submit multiple Form N-400, Application for Naturalization, using a mix of check, money order, and credit card payments?

No. Because of how forms with fees must be handled for initial receipt, deposit, and intake, all applications that are mailed together must have the same payment method. USCIS will reject your entire package if you send a mix of money orders, checks, and credit card authorizations together for multiple applications. For example, if you are submitting five applications and wish to pay with credit card for two applications and check for three applications, please submit two separate application packages as follows: Include two applications and two G-1450s in the first package and three applications and three checks in the second package.

Can I pay part of the Form N-400, Application for Naturalization, fees with a check and the rest with a credit card?

No. You must pay for each application using a single payment method. For example, if you choose to pay for your application by credit card, you must pay all fees for that application using Form G-1450. Or, if you choose to pay for your application with a check, you must pay all fees for that application by check. USCIS will reject an application submitted with split payment methods.

Can I use multiple cards (gift, credit, or debit) to pay the fee for a single Form N-400, Application for Naturalization,?

No. If you choose to pay for your Form N-400, Application for Naturalization, by credit card, you must make the entire payment using a single credit card. If you submit multiple Form G-1450s with one application, USCIS will reject your application.

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Can a third party pay the Form N-400, Application for Naturalization, fee on my behalf by filling out Form G-1450 with his or her credit card information?

Yes. If an individual other than you, the applicant, would like to pay for your Form N-400, Application for Naturalization, by credit card, he or she needs to complete Form G-1450 and provide it to you to submit with your application. The person completing Form G-1450 must include all requested information and sign and date the authorization. Otherwise, USCIS may reject your application for lack of payment.

What happens to my credit card information after USCIS receives it?

If your N-400 application is deficient, USCIS will destroy your Form G-1450. We will send you a notice explaining the deficiencies and you will have to submit a new G-1450 with your corrected N-400 application.

If there are no deficiencies in your N-400 application, we will use the information you provide on Form G-1450 to process a credit card payment for your Form N-400 filing fee and biometric services fee. USCIS will destroy your Form G-1450 after your payment is processed, regardless if your application is accepted or rejected.

What happens to my Form G-1450 if my Form N-400, Application for Naturalization, is rejected?

USCIS will destroy your Form G-1450 and issue you a notice saying that your Form N-400 is deficient along with details about how to correct the deficiencies. After you correct the deficiencies in your application and are ready to resubmit your application package, you must follow any instructions in the rejection notice and submit a new Form G-1450 with your corrected Form N-400.

What happens if my credit card is declined?

If your credit card is declined, USCIS will not attempt to process the credit card payment again, and USCIS will reject your application for lack of payment.

How do I find legal assistance to complete my application on my behalf?

You should research where to go for help and only use professionals that are authorized in the United States to provide legal immigration advice: either an attorney in good standing or a Board of Immigration Appeals (BIA) accredited representative. Check the BIA for a list of attorneys who provide immigration services for low to no cost and for a list of disciplined attorneys. You can also check the American Bar Association or your State bar association for legal services in their state.

How can I avoid being a victim of an immigration scam?

Visit uscis.gov/avoidscams to learn how to recognize and avoid immigration scams and find authorized legal services. Do not pay for blank USCIS forms either in person or on the Internet. Forms are free and can be downloaded at uscis.gov/forms.

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FAQs about the Naturalization Test and the Interview

How can I prepare for the civics portion of the naturalization test?

When will I have an interview and how can I prepare?

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How can I prepare for the civics portion of the naturalization test?

There are 100 possible civics questions on the naturalization test. During the civics test, you will be asked up to 10 questions from the list of 100 questions. You must answer 6 of the 10 questions correctly to pass the civics test. Several study tools are available to help you prepare.

The Citizenship Resource Center offers the 100 civics questions with correct answers in print and audio formats, Civics Flash Cards, and a booklet called *Learn About the United States: Quick Civics Lessons*. You will be able to download these study guides as well as watch a video about the naturalization interview and test, and take an online self test.

Visit www.uscis.gov/citizenship. From the homepage, select the "Learners" link at the top, next select "Study for the Test." Scroll down and select the link titled "Study Materials for the Civics Test." You will also find study materials for the civics test including the list of 100 questions with correct answers, Civics Flash Cards, an online self test, and a video on the naturalization interview and test.

When will I have an interview and how can I prepare?

Once your application has been processed and your background check completed, USCIS will schedule you for an interview. At this time, USCIS will send you an interview notice in the mail that will tell you the date, time, and place of your interview. If you need to reschedule your interview, you should contact the office where your interview is scheduled by mail as soon as possible. You should explain your situation and ask to have your interview rescheduled. When a new date is set, USCIS will send you a new interview notice.

During your interview, your ability to read, write and speak English will be tested (unless you are exempt from the English requirements). You will also be given a civics test (to test your knowledge and understanding of U.S. History and Government) unless you are exempt.

English (will be tested in one of the following ways):

- For civic test, you will be given ten questions. You must provide all the answers verbally. If you answer correctly the first 6 questions you pass the test.
- For reading test, you must read one sentence correctly out of three possible sentences.
- For a writing test, you will be asked to write one sentence out of three possible sentences mostly related to the reading test

At your interview, a USCIS officer will place you under oath and then ask you about your background, evidence supporting your case, your place and length of residence, your character, your attachment to the Constitution, and your willingness to take an Oath of Allegiance to the United States. In addition, the USCIS officer may ask you some other questions to make sure that you meet all the eligibility requirements. Be prepared to explain any differences between your application and the other documents you have provided to USCIS.

A representative may accompany you to your interview if you have sent a "Notice of Entry of Appearance as Attorney or Representative" (Form G-28) with your application.
If you are exempt from the English requirements, you may bring an interpreter to the interview. If you have any disabilities, you may bring a family member or legal guardian with you at the discretion of the USCIS officer.

After your interview, you will receive a decision on your application for naturalization.

FAQs for Conditional Residents

If I am a conditional resident, am I eligible for naturalization?

I sent in my petition to remove conditions of my permanent residence, Form I-751. That was more than one year ago. Since I have been a permanent resident for three years and married to a U.S. citizen for three years, can I file for naturalization even though my I-751 has not been decided?

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If I am a conditional resident, am I eligible for naturalization?

Generally speaking, you are not eligible for naturalization while still a conditional resident; you must first be a conditional permanent resident of the United States for 2 years through marriage to a U.S. citizen. Next, 90 days before your conditional permanent resident status expires, you must apply to remove the conditions on your permanent residency with USCIS. Once you have removed the conditions of your permanent residency and you have been married to a U.S. citizen for 3 years, you may be eligible to apply for naturalization.

I sent in my petition to remove conditions of my permanent residence, Form I-751. That was more than one year ago. Since I have been a permanent resident for three years and married to a U.S. citizen for three years, can I file for naturalization even though my I-751 has not been decided?

Yes, you may file for naturalization once you have been a permanent resident for three years and you have been married to a U.S. citizen for three years and remain married to him/her. However, your application for naturalization cannot be approved until your I-751 is approved.

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FAQs about renewing or replacing the Permanent Resident Card

The naturalization application is requesting a copy of my Permanent Resident Card. Do I have to renew or replace my Permanent Resident Card if I am applying for naturalization?

I am a permanent resident and I am about to apply for naturalization, but I lost my permanent resident card. Do I need to apply for a replacement of my card?

I filed for naturalization and have since lost my permanent resident card. Do I need to apply for a new card or can I get temporary evidence of my status?

While I was waiting for the naturalization process to be completed, my permanent resident card expired. Can I get temporary evidence of my status?

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The naturalization application is requesting a copy of my Permanent Resident Card. Do I have to renew or replace my Permanent Resident Card if I am applying for naturalization?

USCIS recommends that you renew your expired permanent resident card.

- If you apply for naturalization 6 months or more before the expiration date on your Permanent Resident Card (formerly known as an Alien Registration Card or "Green Card"), you do not have to apply for a new card. However, you may apply for a renewal card if you wish by using Form I-90, Application to Replace Permanent Resident Card, and paying the appropriate fee. Form I-90 is available on our website at www.uscis.gov/i-90. You may file Form I-90 by mail or you may e-file using USCIS ELIS.

- If you apply for naturalization less than 6 months before the expiration date on your Permanent Resident Card, or do not apply for naturalization until your card has already expired, you must renew your card.

- If you apply for naturalization and have lost your Permanent Resident Card, you can submit a letter of explanation and/or present a police report that shows you have lost your permanent resident card. In addition, you must submit a copy of any other entry document in place of the copy of the Permanent Resident Card.

I am a permanent resident and I am about to apply for naturalization, but I lost my permanent resident card. Do I need to apply for a replacement of my card?

You can still apply for naturalization even if you have lost your Permanent Resident Card. Although the application for naturalization asks for a copy of the card, you can submit a letter of explanation and/or present a police report that shows you have lost your permanent resident card. In addition, you must submit a copy of any other entry document in place of the copy of the Permanent Resident Card.

It is recommended, however, that you file for a replacement card, especially if you will not be applying for naturalization for another 6 months or if you cannot provide another entry document. You may apply for a replacement of your card using Form I-90, Application to Replace Permanent Resident Card, and pay the appropriate fee. Form I-90 is available on our website at www.uscis.gov/i-90. You may file Form I-90 by mail or you may e-file using USCIS ELIS.

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I filed for naturalization and have since lost my permanent resident card. Do I need to apply for a new card or can I get temporary evidence of my status?

You may not need to apply for a new card if you have already submitted an application for naturalization and during the process you have lost your Permanent Resident Card. You can go to our website at www.uscis.gov and make an INFOPass appointment to request temporary evidence of your status. Generally, for emergent reasons, the Immigration Service Officers at the local USCIS office may issue you a temporary I-551 ADIT stamp while the naturalization application is pending.

While I was waiting for the naturalization process to be completed, my permanent resident card expired. Can I get temporary evidence of my status?

In general, the local USCIS office may issue temporary evidence of your status only for emergency situations.

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FAQs for members of the Armed Forces

Are there special filing instructions for members of the United States Armed Forces?

Do members of the Armed Forces have to submit a certified Form N-426?

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Are there special filing instructions for members of the United States Armed Forces?

If you are in the United States Armed Forces, contact your commanding officer or the personnel office where you are posted for information and assistance in filing for naturalization.

- You will submit your naturalization application through your commanding officer or the personnel office.

Your commanding officer or the personnel office will obtain a certification of your service record in the United States Armed Forces using Form N-426, 'Request for Certification of Military or Naval Service', and then forward the entire completed naturalization application for filing with USCIS. (Veteran applicants, under certain conditions, may submit an uncertified Form N-426 with your DD Form 214 or NGB Form 22. For details, see the following FAQ.)

Do members of the Armed Forces have to submit a certified Form N-426?

USCIS offices will accept an uncertified Form N-426 from veteran applicants for purposes of naturalization if all of the following conditions are met:

- The applicant is separated from the Armed Forces at the time of filing Form N-400;
- The applicant submitted a completed but uncertified Form N-426 with your DD Form 214 or NGB Form 22;
- The applicant submitted a photocopy of his or her DD Form (or photocopies of multiple DD Form 214 or NGB Form 22) for all periods of service captured on Form N-426 ; and
- The DD Form 214 lists information on the type of separation and character of service (such information is found on page "Member-4").

When all four conditions are met, the Nebraska Service Center will process Form N-400 applications accompanied by an uncertified Form N-426 including DD Form 214 or NGB Form 22.

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FAQs about the Certificate of Naturalization and Naturalization Ceremony

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How can I obtain a certified copy of my Naturalization Certificate?

When a naturalized U.S. citizen needs to have a Certificate of Naturalization "authenticated" by the U.S. Department of State, USCIS can copy the document and certify it as a true copy. If you have the original document to be certified, you must make an appointment with your local USCIS office by using Info Pass on our website at www.uscis.gov. When you go to your appointment, be sure to bring your original naturalization certificate and a copy of it. Also bring another form of photo identification, such as a driver's license or passport. A USCIS officer will review the documents and may certify the copy if the officer can confirm your identity and status as a naturalized citizen.

Naturalization Certificate Information

The Certificate of Naturalization serves as evidence of citizenship and is given after you take the Oath of Allegiance to the United States. There have been many different versions of the Certificate of Naturalization. The currently-issued certificate features an embedded digitized photo and signature, a color-shifting background, and other enhanced security features. All previously issued certificates remain valid.

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What will happen at the naturalization ceremony?

If USCIS approves your application for naturalization, you must attend a ceremony and take the Oath of Allegiance to the United States. USCIS will notify you by mail of the time and date of your ceremony. The notice USCIS sends you is called the "Notice of Naturalization Oath Ceremony" (Form N-445). In some cases, USCIS may give you the option to take the Oath on the same day as your interview. If this is offered to you and you decide to take a "same-day" oath, USCIS will ask you to come back to the office later that day. At this time, you will take the oath and receive your Certificate of Naturalization.

When you arrive at the ceremony, you will be asked to check in with USCIS. Try to arrive early. Remember that often there are many other people being naturalized with you who must also be checked in. You may bring immediate family with you to the ceremony. Oath ceremony seating should be available for immediate family members.

If you cannot attend the ceremony on the day you are scheduled, you should return the USCIS notice (Form N-445) to your local office. You should include a letter explaining why you cannot be at the ceremony and asking USCIS to reschedule you.

Note to Representative: Customers who cannot attend their scheduled ceremony and whose local office is Los Angeles, CA, San Bernadino, CA, San Fernando, CA, or Santa Ana, CA may send an e-mail to USCIS District 23 at OathCeremonyD23@dhs.gov with an explanation and request for rescheduling.

You will be required to return your Permanent Resident Card to USCIS when you check in for your oath ceremony. You will no longer need your card because you will receive your Certificate of Naturalization at the ceremony.

You must answer every questions located on the back of the notice Form N-445.

You will take the Oath of Allegiance, which will be led by a USCIS official. The official will read each part of the Oath slowly and ask you to repeat his or her words. If you believe you qualify for a modified Oath, you should include a letter explaining your situation with your application. USCIS may also ask you to provide a document from your religious organization explaining its beliefs and stating that you are a member in good standing.

Once you have taken the Oath, you will receive your Certificate of Naturalization. You may use this document as proof that you are a U.S. citizen.

Note to Representative: USCIS strongly recommends that you obtain a U.S. passport soon after your naturalization ceremony. A passport serves as evidence of citizenship and is easier to carry than a Certificate of Naturalization. Also, if you lose your certificate of citizenship, it may take many months to replace.

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Other FAQs

May I travel outside the United States while my N-400 is pending?

Can I apply to officially change my legal name as part of my naturalization?

What if my name has changed since my last Permanent Resident Card was issued?

Do I need to file a Declaration of Intent to naturalize?

Can same-sex marriages, like opposite-sex marriages, reduce the residence period required for naturalization?

What if I qualify to apply because I am married to, and living with, a United States citizen, but while my application is pending, we divorce?

If I was a refugee or was granted asylum before I became a permanent resident, does my time in that status count toward the time I need as a permanent resident to apply for naturalization?

What if I am a permanent resident commuter?

What if I am in removal proceedings?

What if I was once deported or removed?

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May I travel outside the United States while my N-400 is pending?

Yes, you may travel outside the United States while your N-400 is pending, but keep in mind that you'll need to be here to get your fingerprints taken and for the interview and hearing. Also keep in mind that each trip you take may be very relevant to deciding whether your residence has been continuous. An absence from the United States can be long enough to interrupt your accrual of time for continuous residence. If that happens, you must start the process over again once you return to the United States. You must accrue the necessary number of days for continuous residence in the United States in order to be able to apply for naturalization. (For example, a trip in which you are absent from the United States for more than 6 months can affect your continuous residence).

Can I apply to officially change my legal name as part of my naturalization?

- The request to change your legal name as part of your naturalization should clearly state the name as you want it to appear on your naturalization certificate.
- You can also submit your request to change your current legal name at the time of your naturalization interview.
    - This may delay the processing of your case for naturalization.
    - If you want to change your legal name as part of your naturalization, you typically must take the Oath of Allegiance in court. The process that is followed depends on the jurisdiction you are in.

What if my name has changed since my last Permanent Resident Card was issued?

If you are changing your last name because you were married, please attach your marriage certificate, and complete you naturalization application using your new last name. If you changed your name through court, please include the court paper with your naturalization application and complete your naturalization application using the name indicated on the court papers.

Do I need to file a Declaration of Intent to naturalize?

Before 1952 an applicant for naturalization had to file a 'declaration of intent' to naturalize and become a United States citizen before actually applying for naturalization. This has not been required since 1952. A qualifying person can still choose to file this declaration if applying for a professional license or a particular kind of employment that requires that the person either be a United States citizen or have declared an intent to naturalize.

Note to Representative: FAQs about declarations of intent

Can same-sex marriages, like opposite-sex marriages, reduce the residence period required for naturalization?

Yes. As a general matter, naturalization requires five years of residence in the United States following admission as a lawful permanent resident. But, according to the immigration laws, naturalization is available after a required residence period of three years, if during that three year period you have been living in "marital union" with a U.S. citizen "spouse" and your spouse has been a United States citizen. For this purpose, same-sex marriages will be treated exactly the same as opposite-sex marriages.

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What if I qualify to apply because I am married to, and living with, a United States citizen, but while my application is pending, we divorce?

If you and your spouse divorce, you will no longer be eligible to naturalize under the accelerated eligibility program that requires that you be married to, and living with, a United States citizen spouse. You must notify the office where your application is pending if you and your spouse divorce while your application is pending.

However, you may still be eligible to apply for naturalization after you have been a permanent resident for five years.

If I was a refugee or was granted asylum before I became a permanent resident, does my time in that status count toward the time I need as a permanent resident to apply for naturalization?

- **Permanent Resident from Refugee status -** if you entered as a refugee and became a permanent resident based on your refugee status, the time counts from the moment you were admitted as a refugee. This date should be shown as the date you became a permanent resident on your card.

- **Permanent Resident from Asylee status –** If you were granted asylum and then became a permanent resident based on your asylee status, the time counts from the effective date of your permanent residence, not from the date you were granted asylum. This date should be shown as the date you became a permanent resident on your card.

- **Person still in Refugee or Asylee status –** until you are granted permanent residence, you are not eligible for naturalization.

What if I am a permanent resident commuter?

Permanent resident commuter status is a status in which a permanent resident continues to actually live in Mexico or Canada but regularly commutes to the United States for employment.

- A permanent resident commuter is not eligible for naturalization because he/she is living outside the United States and therefore does not meet the continuous residence requirement.
- For a permanent resident commuter, physical presence and continuous residence begin when the commuter actually takes up residence in the United States.

What if I am in removal proceedings?

If you have been ordered deported or removed, or are in removal proceedings, you are not eligible for naturalization until the proceedings are complete and you are determined eligible to remain in the United States as a permanent resident.

- However, a person seeking naturalization based on military service may be eligible even while in removal proceedings.

If you are allowed to keep your permanent resident status when proceedings are concluded, the time while you were in proceedings counts towards the necessary time requirement as a permanent resident for naturalization since you would have never lost your permanent resident status.

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What if I was once deported or removed?

If you were deported or removed from the United States, then you must acquire permanent residence status and thereafter accrue the necessary time as a permanent resident for naturalization.

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Declaration of Intent

OVERVIEW

Before 1952 an applicant for naturalization had to file a 'declaration of intent' to naturalize and become a United States citizen before they could actually apply for naturalization. This has not been required since 1952.

A qualifying person can still choose to file this declaration if applying for a professional license or a particular kind of employment that requires that the person either be a United States citizen or have declared an intent to naturalize.

General FAQs

- When is a declaration of intent necessary?
- Who is eligible?
- How do I file a declaration of intent?
- How can I get an N-300 application form?
- What if I have changed my name since my current Permanent Resident Card was issued?
- How should I organize my N-300 application?

Back to: Naturalization Process Services for Permanent Residents and Naturalization Main Menu

When is a declaration of intent necessary?

A declaration of intent is not required for immigration purposes and does not affect immigration status in any way. The declaration of intent does not improve eligibility for naturalization nor does it confer any of the rights or privileges of United States citizenship.

- A job or professional license may require that a person be a United States citizen or have filed a declaration of intent to become a citizen.

Who is eligible?

- You must be a permanent resident and at least 18.
- You do not otherwise have to meet relevant standards and requirements for naturalization when you apply.

How do I file a declaration of intent?

Apply to USCIS by filing Form N-300, 'Application to File Declaration of Intention'.

How can I get an N-300 application form?

The Form N-300 can be downloaded from our web site at www.uscis.gov. Forms can also be obtained by calling the USCIS Forms Hotline at 1-800-870-3676.

What if I have changed my name since my current Permanent Resident Card was issued?

Apply using the name shown on your last Permanent Resident Card or other document issued by either INS or USCIS evidencing your Permanent Resident Status. While you will have to attach documentation of any subsequent legal name change to prove who you are, the declaration of intent will be issued in the name shown on your status document.

If your name has changed, you should separately apply to update your Permanent Resident Card or other document issued by either INS or USCIS. You can choose to wait to submit your declaration of intent until after your new card or other status document is issued so that you can apply and have it issued in your current name.

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How should I organize my N-300 application?

Follow the instructions on the application on organizing your application and include the following initial evidence:

- Your N-300 application completely filled out and signed.
- A check or money order for the total filing fee attached to the front of your N-300.
- If an attorney or accredited representative represents you, include a signed form G-28, 'Notice of Entry of Appearance as Attorney or Representative'.
- A copy of the front and back of your current Permanent Resident Card.
- 3 identical passport-style photographs taken no more than 30 days before you file your application.
- Write your name and your USCIS account number, or A#, on the back of each photo in pencil.
- If you have legally changed your name since your card or other status document or certificate was last issued, include evidence of every name change since it was issued.

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Chapter 2 How to Prove your Status when applying for a Social Security Card, Drivers License or for a Job, or When you Travel (how to get travel documents)

Prompt: It appears you are a permanent resident interested in information about what to show when applying for a social security card, when applying for a job, or when you travel. Is that correct?

- If YES, continue below
- If NO, go to "Where to Start"

Unit 1 Information about how to prove your status when applying for a Social Security card, driver's license or for a job.

Unit 2 Information about how to prove your status when you travel and how to get travel documents.

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Chapter 2 How to Prove your Status when applying for a Social Security Card, Drivers License or for a Job, or When you Travel (how to get travel documents)

Unit 1 Information about how to prove your status when applying for a Social Security card, driver's license or for a job

OVERVIEW

Adult permanent residents must carry their Permanent Resident Card. Employment authorization is an automatic part of permanent resident status. A permanent resident applying for a job in the U.S. typically just shows the employer their unrestricted Social Security card and either their driver's license or Permanent Resident Card.

Note to Representative: Unless the customer is calling about the following FAQ, please read the above basic information to the customer.

The Social Security Administration would not issue me a Social Security Account Number because they could not confirm my immigration status. What should I do?

If the Social Security Administration (SSA) is unable to confirm your immigration status, then the SSA should submit Form G-845, Document Verification Request, and the Supplement to this form to USCIS.

Note to Representative: Please advise the customer that the SSA already knows that when they are unable to confirm someone's immigration status that they (SSA) should submit these forms to USCIS. However, sometimes the SSA employee that the customer is dealing with may be new or may have forgotten. In this case, the customer should remind the SSA employee that these forms should be submitted to USCIS if SSA is unable to confirm the customer's immigration status.

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Chapter 2	How to Prove your Status when applying for a Social Security Card, Drivers License or for a Job, or When you Travel (how to get travel documents)
Unit 2	Information about how to prove your status when you travel and how to get travel documents.

OVERVIEW

A permanent resident usually needs only a valid Permanent Resident Card to re-enter the U.S. after a trip abroad. However, most foreign countries require a passport to enter. A Permanent Resident should check with the destination country to see if a passport is required. Permanent Residents can also apply for a re-entry permit before they leave the U.S. A re-entry permit is valid for two years.

FAQs about re-entry permits, and passport and travel requirements

- Why would I need a re-entry permit?
- What are the new passport requirements?

Re-Entry Permits - Eligibility and Evidence Requirements

- Who is eligible to apply for a re-entry permit?
- I have an old re-entry permit. Do I need to turn in my old permit if I am filing for a new one?
- How do I get a re-entry permit?
- What initial evidence must I file along with Form I-131?

FAQs continue on next page

Back to: Status and Services When Traveling Services for Permanent Residents and Naturalization Main Menu

I-131 General Filing Process Questions

- Do I have to be physically present in the United States when I apply for a reentry permit?
- What will happen if I do not apply for a re-entry permit before I travel outside of the U.S.?
- Can I apply for the re-entry permit and then leave, even though I don't have the re-entry permit in my possession yet?
- What is the filing fee for Form I-131?
- Where do I file Form I-131 for a reentry permit?

Length of Reentry Permit Validity and Admissibility Questions

- For how long is the reentry permit generally valid?
- I am a conditional permanent resident. For how long will my reentry permit be valid?
- How many times can I receive a reentry permit?
- If I have a criminal history and a valid reentry permit, will USCIS readmit me to the United States?
- Can I use the reentry permit in place of passport when entering foreign countries?

Other Frequently Asked Questions about Re-Entry Permits

- What document(s) are generally needed for a permanent resident to re-enter the United States?
- What document(s) are needed for a permanent resident to travel outside of the United States and enter a foreign country?
- If I acquired permanent residence based on asylee or refugee status do I have to get a reentry permit or do I have the option of getting a refugee travel document?
- What should I do if I lose my travel document while I am overseas?

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Why would I need a re-entry permit?

A permanent resident who departs the United States and remains outside the country for one year or more is usually deemed to have abandoned his/her status, unless he/she has a valid re-entry permit in his/her possession upon re-entering the United States.

A re-entry permit allows a permanent resident to apply for admission to the United States upon return from abroad during the period of the permit's validity without the necessity of obtaining a returning resident visa. Permanent Residents generally use re-entry permits:

- To re-enter the U.S. after travel of one year or more,
- As a travel document because they could not obtain a passport from their home country, or
- As an additional travel and identity document along with a passport from their home country. Re-entry permits are generally valid for two years from the date of issuance of the re-entry permit.

What are the new passport requirements?

As part of U.S. Department of State's Western Hemisphere Travel Initiative, all travelers will be required to present a valid passport or other accepted document(s) to enter or re-enter the U.S. If you are a permanent resident, you may use the following guidelines for Air, Land or Sea travel:

Air Travel: All travelers including children must present a passport or secure travel document when entering the United States by air.

Land/Sea Travel: Lawful permanent residents may continue to present their Form I-551, Permanent Resident Card. More information available at CBP.gov.

Eligibility and Evidence Requirements

Who is eligible to apply for a re-entry permit?

Eligible persons for a re-entry permit are:

- Lawful Permanent Residents or Conditional Permanent Residents; and
- In the United States at the time of application and to have your biometrics (photo/fingerprints) taken.

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I have an old re-entry permit. Do I need to turn in my old permit if I am filing for a new one?

A re-entry permit cannot be extended. If yours is expiring, you will need to apply for a new one. If you have a valid re-entry permit in your possession, you will need to send it in when you apply for a new one. For security reasons, USCIS will not issue a new re-entry permit to someone who already has a valid one in his or her possession. You need not send in an expired re-entry permit. If you need a new re-entry permit because your previous one was lost, stolen, or destroyed, please indicate this on your application for the new permit.

How do I get a re-entry permit?

If you want to get a re-entry permit, file Form I-131, *Application for Travel Document.* You should file this application well in advance of your planned trip. You not only need to file the application while in the U.S., but you also need to remain in the U.S. until after your biometrics appointment is completed.

What initial evidence must I file along with Form I-131?

If you are a permanent resident or conditional resident, you must attach:

- A copy of the alien registration receipt card; or
- If you have not yet received your Permanent Resident Card, a copy of the biographic page of your passport and the page of your passport indicating initial admission as a permanent resident, or other evidence that you are a permanent resident; or
- A copy of the approval notice of a separate application for replacement of the alien registration receipt card or temporary evidence of permanent resident status.

General Filing Process Questions

Do I have to be physically present in the United States when I apply for a re-entry permit?

Yes, you must be in the United States when you apply for the re-entry permit and to have your biometrics taken.

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What will happen if I do not apply for a re-entry permit before I travel outside of the U.S.?

If you are a permanent resident who plans to travel outside of the U.S. for one year or more, it is important that you apply for a re-entry permit before you depart the U.S. If you stay outside of the U.S. for one year or more and did not apply for a re-entry permit before you left, then you may be considered to have abandoned your permanent resident status and may be refused entry into the U.S. if you try to return. If you are in this situation, contact the U.S. Consulate about a returning resident visa.

Can I apply for the re-entry permit and then leave, even though I don't have the re-entry permit in my possession yet?

U.S. immigration law does not require that you have the re-entry document in your possession when you depart, but it does require that you apply for the permit and have your biometrics taken before you leave the U.S. We may be able to send your re-entry permit to the U.S. Consulate or Embassy in the country you plan on visiting, but you'll need to specifically request in Form I-131 when you file. If you choose this option, you should contact the U.S. Consulate or Embassy in the country you plan on visiting when you arrive, to let them know how to contact you while you are in that country. The U.S. Consulate or Embassy may then contact you if your application is approved and your permit has arrived there.

If you are planning to use the re-entry permit as a passport, then you will need to wait for it before leaving the U.S. If you cannot wait, you may want to contact the consulate of the country you are planning to visit to find out if you can use other documents to enter.

How may I obtain Form I-131?

Form I-131 can be downloaded by accessing the USCIS website at www.uscis.gov.

What is the filing fee for Form I-131?

Please see Form I-131 for the filing fee for this Form.

Where do I file Form I-131 for a reentry permit?

Please follow the instructions for the Form I-131 for where to file information.

Back to: Status and Services When Traveling Services for Permanent Residents and Naturalization Main Menu

Length of Reentry Permit Validity and Admissibility Questions

For how long is the reentry permit generally valid?

A re-entry permit is generally valid for two years.

However, a reentry permit issued to a person who, since becoming a permanent resident or during the last 5 years, whichever is less, has been outside the United States for more than 4 years in total, will be limited to a validity of one year.

I am a conditional permanent resident. For how long will my reentry permit be valid?

There are several factors that determine the length of validity of a reentry permit for a conditional resident.

1) If it is more than 90 days prior to the expiration of your conditional status, the reentry permit will be issued with a validity date that matches the expiration date of your conditional status.
2) If it is less than 90 days prior to the expiration of your conditional status, USCIS will check to see if you have filed a Form I-751, Petition to Remove the Conditions of Residence.
    a) If you have not filed Form I-751, you will be sent a Request for Evidence (RFE) as to why you haven't filed Form I-751. Once you file Form I-751, your application for a reentry permit will be determined as follows:
        i) If you have filed Form I-751 and it has been approved, you will be granted a reentry permit valid for 2 years since upon approval of Form I-751 you become a Lawful Permanent Resident.
        ii) If you have filed Form I-751 and the petition is pending, you will be granted a reentry permit valid until the expiration of your conditional status plus one additional year.
        iii) If you have filed Form I-751 and the petition has been denied, your application for a reentry permit will be denied as you are no longer in a valid status.

Note to Representative: The above answer reads the same for conditional residents who obtained such status through entrepreneurship. You would only need to substitute Form I-751 with Form I-829, Petition by Entrepreneur to Remove Conditions.

How many times can I receive a reentry permit?

You may receive a reentry permit as many times as you would like, but the Service has discretion to approve or deny the application.

In addition, a reentry permit issued to a person who, since becoming a permanent resident or during the last 5 years, whichever is less, has been outside the United States for more than 4 years in total, will be limited to a validity of one year.

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If I have a criminal history and a valid reentry permit, will USCIS readmit me to the United States?

Note to Representative: Transfer call to Tier 2, UNLESS Tier 2 live assistance is unavailable.

Can I use the reentry in place of passport when entering foreign countries?

A permanent resident needs to contact the Embassy or Consulate of the particular country to be visited and inquire about adherence to entry requirements of that country.

Other Frequently Asked Questions

What document(s) are generally needed for a permanent resident to re-enter the United States?

As a permanent resident, you may leave and return to the United States, using your Permanent Resident Card, Form I-551, which is often called a "green card", for a period of time not to exceed one year from the date of departure. You will need to keep a copy of any tickets or other evidence of the date you departed. It is also advisable you possess a valid passport.

What document(s) are needed for a permanent resident to travel outside of the United States and enter a foreign country?

A permanent resident needs to contact the Embassy or Consulate of the particular country to be visited and inquire about adherence to entry requirements of that country.

If I acquired permanent residence based on asylee or refugee status, do I have to get a reentry permit or do I have the option of getting a refugee travel document?

You can apply for either one, but a re-entry permit is usually more useful.

What should I do if I lose my travel document while I am overseas?

You should contact the U.S. Department of State (U.S. Embassy or Consulate) abroad about obtaining a travel letter or a returning resident visa.

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Chapter 3 Renewing or Replacing your Permanent Resident Card, or Removing Conditions from Conditional Residency

OVERVIEW

A Permanent Resident Card provides proof of an individual's status in the United States. It also serves as a valid identification document and proof of employment eligibility. A Permanent Resident Card, commonly known as a "Green Card", is valid for a period of 10 years, *unless* a person has been granted conditional permanent resident status, in which case the card is only valid for two years.

Prompt: It appears you are a permanent resident who is interested in either renewing or replacing your permanent resident card, or removing conditions on permanent residence, is that correct?

- If YES – continue below.
- If NO, go to "Where to Start"

First, if you have your permanent resident card, please look at it. Which of the following describes your card?

Unit 1 It was valid for 10 years and is expiring within 6 months from today, or has already expired, or it does not have an expiration date

Unit 2 It was valid for only two years and is expiring (you are removing conditions on permanent residence)

Unit 3 You need to update information on your card, such as if you changed your name, or you need to replace your card because it is lost, you never received it, or the information is not correct, or you have turned 14 since your last card was issued

Note to Representative: Help the customer determine what, where and how to file to renew or replace a permanent resident card, OR to remove the conditions on conditional permanent resident status.

Frequently Asked Questions about Permanent Resident Cards

Back to: Services for Permanent Residents and Naturalization Main Menu

Chapter 3	Renewing or Replacing your Permanent Resident Card, or Removing Conditions from Conditional Residency
Unit 1	It was valid for 10 years and is expiring within 6 months from today, or has already expired, or it does not have an expiration date

OVERVIEW

Renewals are done for customers who have an I-551, Permanent Resident Card that will expire within 6 months or a card that has already expired. These must be mailed to the address on the newest Form I-90 available on our website. If the customer has temporary evidence of permanent resident status, such as a stamp in a passport or on an I-94, and that temporary evidence is about to expire, he or she must make an appointment to go to a LOCAL OFFICE to get another extension.

It may be necessary for you to ***renew*** your Permanent Resident Card if it will expire within the next six months or if it has already expired, or if it does not have an expiration date.

FAQs about Permanent Resident Cards

- How do I renew my Permanent Resident Card?
- Do I need to renew my Permanent Resident Card if it does not have an expiration date?
- Do I need to carry my Permanent Resident Card with me at all times?
- If I file to replace my 10-year Permanent Resident Card, will the replacement card have a new expiration date?
- What should I do with my unexpired Permanent Resident Card when I receive my renewal card?
- If a lawful permanent resident dies, should I notify USCIS and what should I do with his or her card?
- How can I tell if I am a conditional resident?
- Is there an easy way to tell from my Permanent Resident Card how long I have been a permanent resident?

FAQs about the new redesigned Permanent Resident Cards

- Why did USCIS redesign the Green Card?
- What major improvements has USCIS included in the redesigned Green Card?
- Is the Permanent Resident Card actually green, as its nickname suggests?
- Who will receive the redesigned Green Card?
- What happens to existing Green Cards with the old design?

Back to: Services for Permanent Residents and Naturalization Main Menu

How do I renew my Permanent Resident Card?

File a Form I-90 with USCIS to ***renew*** your Permanent Resident Card. Form I-90 is available on our website at www.uscis.gov/i-90.

If you file Form I-90 by mail, you will need to include supporting evidence, such as a copy of your expired or expiring card. The instructions on the form will give you more details. Since filing procedures recently changed, please review the most recent instructions for Form I-90 on our website at www.uscis.gov/i-90. If you have questions after you read those instructions, just check our web site or call customer service for more information. You may be able to file this form electronically right from our website.

If you file Form I-90 electronically, all supporting documentation will need to be scanned and uploaded into ELIS.

After you file, you will be mailed a notice scheduling you for an appointment to go to an Application Support Center (ASC) to have your fingerprints, photo and signature taken.

Note to Representative: Form I-90 requests the applicant's A#. If the customer has lost their A#, they need to make an INFOPASS appointment to obtain it.

Many permanent residents are already eligible to apply for U.S. citizenship through naturalization. Would you like information about applying for naturalization? YES

Back to: Renewal of I-551 Card Services for Permanent Residents and Naturalization Main Menu

Do I need to renew my Permanent Resident Card if it does not have an expiration date?

Note to Representative: You do not need to read the whole answer. You may just read the bullet on the card type the customer has.

Older versions of the card should be replaced. There are several versions of older cards in existence:

- **Form I-551 version - if your card is titled "Permanent Resident Card',** you have the newest edition of the card, issued since 1998.
  - Look at 'Resident Since' on the front of your card. This is the date you became a permanent resident. These cards are still good.

- **Form I-551 version - if your card is titled 'Resident Alien' and it is pink,** (these were issued between 1989 to 1998 – and also shows a card expiration date on the front), then:
  - On the back you will see a line of printed letters and numbers at the bottom of the colored part of your card.
  - The third set of numbers from the left has six digits. This is when you became a permanent resident, shown as year / month / day. These cards are still good.

- **Form I-551 version - if your card is titled 'Resident Alien' and it is white,** (these were issued between 1977 and 1989), then:
  - On the back you will see three lines of printed letters and numbers, with small legends in light brown.
  - Look at the bottom line. The first entry on the left is labeled "ADM/ADJ DATE'. This is the date you became a permanent resident. While these cards are still valid, they may be replaced.

- There are also a number of Form I-151 versions of the card. These cards were issued prior to 1977. If your card indicates that it is a Form I-151 version, it is no longer valid. If you have not replaced your card, it should show the date you became a permanent resident typed or stamped at the bottom under month, day and year of entry. If you have one of these older editions of the permanent resident card, you should apply to replace it.

Do I need to carry my Permanent Resident Card with me at all times?

Yes. The Permanent Resident Card, Form I-551, is issued to all Permanent Residents as evidence of alien registration and their permanent resident status in the U.S. The card must be in your possession at all times. This means that you are not only required to have a currently valid card at all times, but also that you carry your currently valid card with you at all times. The card is only valid up to the expiration date and should be renewed before it expires

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If I file to replace my 10-year Permanent Resident Card, will the replacement card have a new expiration date?

Yes. The replacement 10-year Permanent Resident Card will have a new expiration date.

Information about the 2-year Permanent Resident Cards

What should I do with my unexpired Permanent Resident Card when I receive my renewal card?

You should send the card to your local USCIS field office along with a letter explaining why the card is being returned.

If a lawful permanent resident relative dies, should I notify USCIS and what should I do with his or her card?

While not a requirement, it is recommended that you notify USCIS. You should send your relative's permanent resident card to the local USCIS field office along with a letter explaining that you are returning the card due to the death of the permanent resident.

Why did USCIS redesign the Green Card?

The Green Card redesign is the latest advance in USCIS's ongoing efforts to deter immigration fraud. State-of-the-art technology prevents counterfeiting, obstructs tampering, and facilitates quick and accurate authentication of the card. The enhanced features will better serve law enforcement, employers, and immigrants, all of whom look to the Green Card as definitive proof of authorization to live and work in the United States.

What major improvements has USCIS included in the redesigned Green Card?

Secure optical media store biometrics for rapid and reliable identification of the cardholder. Holographic images, laser engraved fingerprints, and high-resolution micro-images make the card nearly impossible to reproduce. Tighter integration of the card design with personalized elements makes it difficult to alter the card if stolen. Radio Frequency Identification (RFID) capability allows Customs and Border Protection officers at ports of entry to read the card from a distance and compare it immediately to file data. Finally, a preprinted return address enables the quick and easy return of a lost card to USCIS.

Is the Permanent Resident Card actually green, as its nickname suggests?

No. After the redesign, the card is not colored green.

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Who will receive the redesigned Green Card?

Beginning May 11, 2010, USCIS will issue all Green Cards in the new, more secure format. Recipients of the redesigned card will include those newly approved for lawful permanent residency, as well as those who have sought a renewal or replacement card.

What happens to existing Green Cards with the old design?

Some existing Green Cards bear an expiration date, and those cards will remain valid until they expire. Holders of those cards will receive the redesigned version when seeking a renewal or replacement.

Other existing Green Cards have no expiration date, and those cards remain valid. USCIS recommends that holders of cards without an expiration date apply to replace their cards with the redesigned version.

Additionally, eligible permanent residents may choose to explore becoming a naturalized U.S. citizen. For more information on eligibility for naturalization, go to www.uscis.gov/citizenship.

How can I tell if I am a conditional resident?

In addition to the information given to you when you became a permanent resident with conditions, you can tell from your card.

If your card has an expiration date and is valid for 2 years from when you were granted permanent residence instead of for the normal 10 years, then you are a conditional resident.

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Is there an easy way to tell from my Permanent Resident Card how long I have been a permanent resident?

Look at the front of your card – the side with your photo.

- If your card is titled "Permanent Resident Card', you have the newest edition of the card, issued since 1998.
  - Look at 'Resident Since' on the front of your card. This is the date you became a permanent resident.

- If your card is titled 'Resident Alien' and it is pink, (these were issued between 1989 to 1998 – and also shows a card expiration date on the front), then:
  - On the back you will see a line of printed letters and numbers at the bottom of the colored part of your card.
  - The third set of numbers from the left has six digits. This is when you became a permanent resident, shown as year / month / day.

- If your card is titled 'Resident Alien' and it is white, (these were issued between 1979 and 1989), then:
  - On the back you will see three lines of printed letters and numbers, with small legends in light brown.
  - Look at the bottom line. The first entry on the left is labeled "ADM/ADJ DATE'. This is the date you became a permanent resident.

- There are a number of older versions of the card. Most of these are no longer valid. If you have not replaced your card, it should show the date you became a permanent resident typed or stamped at the bottom under 'month, day and year of entry.

If you have one of these older editions of the permanent resident card, you should apply to replace it.

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Do you have your permanent resident card with you right now?

- Yes
- No, I do not have my card with me at this time. I do, however, have access to my card and can go get it.

  Note to Representative: Instruct caller to call back when he/she has the card with them.

- No, my card was lost, stolen or destroyed.

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Your permanent resident card:

- Is/Was valid for ten (10) years
- Is/Was valid for two (2) years
- Does/Did not have an expiration date on it

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IS/WAS VALID FOR 10 YEARS

You need a new card because:

- Your card has already expired (You need to renew it)
- Your card is expiring within 6 months (You need to renew it)
- Your card has been lost, stolen or destroyed (You need to replace it)
- You have turned 14 since your last card was issued (You need to replace it)
- You have changed your name or other information (You need to replace it)
- There is an error on your card (See Volume 1)
- You never received your card (See Volume 1)

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IS/WAS VALID FOR TWO YEARS

You need a new card because:

- Your card has already expired (You need to file to remove the conditions of your residence)
- Your card is expiring (You need to file to remove the conditions of your residence)
- Your card has been lost, stolen, or destroyed (You need to replace it)
- You have changed your name or other information (You need to replace it)
- There is an error on your card (See Volume 1)
- You never received your card (See Volume 1)

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DOES/DID NOT HAVE AN EXPIRATION DATE ON IT

You need a new card because:

- You want a newer version card (You need to replace it)
- Your card has been lost or destroyed (You need to replace it)
- Your card has been stolen (You need to replace it)
- You have turned 14 since your last card was issued (You need to replace it)
- You have changed your name or other information (You need to replace it)

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10 YEAR CARD EXPIRED OR EXPIRING AND WANTS NEW CARD; NAME OR OTHER INFORMATION CHANGE

From the information you have provided, it appears you may need to file Form I-90. Form I-90 is available on our website at www.uscis.gov/i-90.

You may file Form I-90 by mail or you may e-file using USCIS ELIS.

If you file Form I-90 by mail, you should include supporting evidence, such as a copy of your expired or expiring card. Since filing procedures recently changed, please review the most recent instructions for Form I-90 on our website at www.uscis.gov/I-90.

If you file Form I-90 electronically, all supporting documentation will need to be scanned and uploaded into ELIS.

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10 YEAR OR CARD WITH NO EXPIRATION DATE - CARD LOST, STOLEN OR DESTROYED OR WANTS NEW CARD

From the information you have provided, it appears you need to file Form I-90. Form I-90 is available on our website at www.uscis.gov/i-90.

You may file Form I-90 by mail or you may e-file using USCIS ELIS.

If you file Form I-90 by mail, you should include supporting evidence, such as a copy of your previous card and any additional evidence to establish that the card was lost or destroyed. If your card was stolen, you will be required to include a copy of your previous card and a copy of the police report. Since filing procedures recently changed, please review the most recent instructions for Form I-90 on our website at www.uscis.gov/I-90.

If you file Form I-90 electronically, all supporting documentation will need to be scanned and uploaded into ELIS.

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TURNED 14 SINCE LAST CARD ISSUED

Every permanent resident who obtained permanent resident status prior to turning age 14 is required by law to register and have his/her fingerprints taken when he/she turns 14. To do this, a permanent resident turning 14 files a Form I-90 on or after having turned 14. Form I-90 is available on our website at www.uscis.gov/i-90.

- If you are 14 years old and you are filing within 30 days of your 14th birthday, the fee you have to include with your application will depend on your situation. If:
  - Your current card expires after your 16th birthday, your filing must include the biometric services fee, no filing fee is required;
  - Your current card expires before your 16th birthday, your filing must include the filing fee and biometrics fee with application.

- If you file more than 30 days after turning 14, you will be required to pay the filing fee and the biometrics fee.

You may file Form I-90 by mail or you may e-file using USCIS ELIS.

Please carefully review the most recent instructions for Form I-90. If you are filing by mail, the instructions are available at www.uscis.gov/I-90. If you are filing electronically, the instructions are available at USCIS ELIS.

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TWO YEAR CARD ALREADY EXPIRED

You should have filed a Form I-751 within 90 days prior to the expiration of your card. Failure to do so can result in loss of status.

You can still file the I-751 if you failed to do so because of an unforeseen circumstance outside of your control, such as hospitalization during the filing period window.

Be sure to include a written explanation and any evidence of the explanation if you file.

If you do not file, your status will be automatically terminated, and you may be placed into proceedings to remove you from the United States.

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TWO YEAR CARD EXPIRING

Your conditional permanent resident status was based on:

- A marriage to a U.S. citizen
- Being an entrepreneur

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TWO YEAR CARD – LOST, STOLEN, OR DESTROYED

If your card has been lost, stolen, or destroyed, you can file a Form I-90. You will still be required to file a Form I-751 to remove the conditions of your permanent residence within 90 days before the expiration date of your lost, stolen, or destroyed card.

For an I-90 that is filed to replace a lost, stolen, or destroyed card, any card that you would receive as a result of the approval of the I-90 would have the same expiration date as your original card.

We cannot issue a replacement card with an expiration date on it that has already passed by the time the card is created. We also will not produce a replacement card for a conditional permanent resident whose card/status is within 90 days of expiration.

You may file Form I-90 by mail or you may e-file using USCIS ELIS.

If you file Form I-90 by mail, you should include supporting evidence, such as a copy of your previous card and any additional evidence indicated in the instructions to the form. Since filing procedures recently changed, please review the most recent instructions for Form I-90 on our website at www.uscis.gov/I-90.

If you file Form I-90 electronically, all supporting documentation will need to be scanned and uploaded into ELIS.

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TWO YEAR CARD – NAME OR OTHER BIOGRAPHICAL CHANGE

If your card will expire within 6 months, you should wait to file Form I-751 until within 90 days before the date of your card's expiration. At that time, submit evidence of your name change or other information that needs to be changed with the I-751.

If the card is valid for more than six months, and you need to change your name or other biographical change, you may file Form I-90 by mail or you may e-file using USCIS ELIS.

If you file Form I-90 by mail, you should include your supporting evidence, such as a copy of your previous card and any additional evidence to establish the new information. Since filing procedures recently changed, please review the most recent instructions for Form I-90 on our website at www.uscis.gov/I-90.

If you file Form I-90 electronically, all supporting documentation will need to be scanned and uploaded into ELIS.

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Chapter 3	Renewing or Replacing your Permanent Resident Card, or Removing Conditions from Conditional Residency
Unit 2	Your card was valid for only two years and is expiring

OVERVIEW

In order for an individual to have the conditions removed from his or her permanent residence, he or she must file a Petition to Remove the Conditions on Residence (I-751) (or an I-829 if the conditional residence was granted as a result of an I-526 for an entrepreneur) with USCIS. Once Form I-751 or I-829 is approved, the individual then becomes a permanent resident of the United States without conditions. However, the removal of conditions is not a given. Rather, the applicant in most cases must demonstrate that the marriage was entered into in good faith and that the marriage has continued to prosper.

Anyone with questions related to the I-829 should be referred to the Employer, Business, Investor and School Services (EBISS) line at 1-800-357-2099.

What was your conditional permanent resident status based on?

- A marriage to a U.S. citizen or a legal permanent resident
- Being an entrepreneur

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You will need to file a Form I-751 to remove the conditions of your permanent residence within 90 days prior to the expiration of your card. Failure to do so may result in automatic termination of your status and result in immigration court proceedings.

Once you file Form I-751 you will receive a receipt notice. That notice will extend your status and your card for up to one year from the date of the notice. Be sure to keep the receipt and your card together, especially if you travel outside the U.S. If you are traveling outside the U.S. for an extended period, you should file Form I-131, Application for Travel Document. For more information, please see the reentry permit FAQ (Form I-131).

Eligibility and Evidence Requirements

- Who is eligible to apply to remove conditions on his or her permanent residence?
- What application must I file to remove the conditions on my permanent residence?
- What initial evidence must I provide to remove conditions?
- What are some examples that demonstrate evidence of relationship?
- Is there any additional evidence, aside from evidence of relationship, I must submit with my application?

General Filing Process Questions

- Do I need the signature of my spouse to file Form I-751?
- When should I file Form I-751?
- Is it necessary to file a separate Form I-751 for my child?
- What if I fail to file Form I-751 before my card expires?
- If I am in divorce or in annulment proceedings can I still file Form I-751 without my spouse?
- What happens to my status if I cannot file Form I-751 because I am in divorce proceedings that have not been completed before my conditional status expires?
- Can I file Form I-751 if I am overseas when my permanent resident card is about to expire?
- If I am overseas on military or government orders, where do I file Form I-751?
- If I am overseas on military or government orders, do I need to submit photos and fingerprints with Form I-751?
- Will I receive temporary evidence of my permanent residence while Form I-751 is in process?
- Do I have to attend an interview for my conditions to be removed from my permanent residence?
- Will the two-year period as a conditional resident count towards naturalization requirements?
- How long will it take for Form I-751 to be processed?
- What if Form I-751 is not decided within the one-year period after I file it?

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Eligibility and Evidence Requirements

Who is eligible to apply to remove conditions on his or her permanent residence?

You may apply to remove your conditions on permanent residence if:

- You are still married to the same U.S. citizen or lawful permanent resident after two years (your children may be included in your application if they received their conditional resident status at the same time or within 90 days as you did).
- You are a child and cannot be included in the application of your parents for a valid reason.
- You are a widow or widower of a marriage that was entered in good faith.
- You entered into a marriage in good faith, but the marriage was ended through divorce or annulment.
- You entered into a marriage in good faith, but either you or your child(ren) were battered or subjected to extreme cruelty by your U.S. citizen or lawful permanent resident spouse.
- Deportation or removal from the United States would cause extreme hardship to you.

What application must I file to remove the conditions on my permanent residence?

In order to remove the conditions on your permanent residence, you must file a Petition to Remove the Conditions on Residence (Form I-751).

What initial evidence must I provide to remove conditions?

You must provide the following initial evidence with your I-751:

- A copy of your permanent resident or alien registration card and a copy of the permanent resident or alien registration card of any of your conditional resident children you are including in your petition.
- Evidence of the relationship. Submit copies of documents indicating that the marriage upon which you were granted conditional status was in "good faith" and was not for the purpose of circumventing immigration laws.

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What are some examples that demonstrate evidence of relationship?

Some examples of documents that demonstrate evidence of relationship are:

- Birth certificate(s) of child (ren) born to the marriage.
- Lease or mortgage contracts showing joint occupancy and/or ownership of your communal residence.
- Financial records showing joint ownership of assets and joint responsibility for liabilities, such as joint savings and checking accounts, joint federal and state tax returns, insurance policies that show the other spouse as the beneficiary, joint utility bills, joint installments or other loans.
- Other documents you consider relevant to establish that your marriage was not to evade the immigration laws of the United States.
- Affidavits sworn to or affirmed by at least two people who have known both of you since your conditional residence was granted and has personal knowledge of your marriage and relationship.

You should submit copies of as many documents as you wish to establish evidence of relationship and to demonstrate the circumstances of the relationship from the date of the marriage to the present date, and to demonstrate any circumstances surrounding the end of the relationship, if it has ended.

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Is there any additional evidence, aside from evidence of relationship, I must submit with my application?

Yes, you may have to if you are filing for removal of conditions based on one of the situations in the following table:

If you are....	Then also file your petition with the following:
Filing to waive the joint filing requirement due to the death of your spouse,	A copy of your spouse's death certificate.
Filing to waive the joint filing requirement because your marriage has been terminated.	A copy of the divorce decree or other document terminating or annulling the marriage.
Filing to waive the joint filing requirement because you and/or your conditional resident child were battered or subjected to extreme cruelty,	• Evidence of the physical abuse, such as: Copies of reports or official records issued by police, judges, medical personnel, school officials, and representatives of social service agencies, and original affidavits. • Evidence of the abuse, such as: Copies of reports or official records issued by police, courts, medical personnel, school officials, clergy, social workers and other social service agency personnel. You may also submit any legal documents relating to an order of protection against the abuser or relating to any legal steps you may have taken to end the abuse. You may also submit evidence that you sought safe haven in a battered women's shelter or similar refuge, as well as photographs evidencing your injuries. • A copy of your divorce decree if your marriage was terminated by divorce on grounds of physical abuse or extreme cruelty.

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General Filing Process Questions

Do I need the signature of my spouse to file Form I-751?

In most cases, the signature of the spouse is required; however, it may be possible for you to get a waiver of the joint filing requirement if you qualify based on one of the following circumstances:

- Due to the death of your spouse;
- Your marriage has been terminated;
- You and/or your conditional resident child were battered or subjected to extreme cruelty;
- Termination of your status, and removal would result in "extreme hardship"; or
- A child filing separately from your parent.

When should I file Form I-751?

You must file the Petition to Remove the Conditions of Residence (I-751) within the 90-day period immediately prior to the expiration date that is shown on the conditional residence card.

Is it necessary to file a separate Form I-751 for my child?

If the child entered at the same time as the parent or within 90 days of the parent, a separate I-751 is not needed. If the child entered more than 90 days after the parent, a separate I-751 must be filed for the child.

Please note that each conditional resident listed on your Form I-751 is required to submit a biometric service fee. This biometric service fee is in addition to the base petition fee.

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What if I fail to file Form I-751 before my card expires?

If the I-751 petition is not filed, you will automatically lose your permanent resident status as of the second anniversary of the date on which you were granted this status. You will then be "out of status" and become removable from the United States and you may be placed in removal proceedings before an immigration judge.

If your failure to file was through no fault of your own, you may file your petition late with a written explanation and request that USCIS excuse the late filing. Failure to file before the expiration date may be excused if you demonstrate when you file the application that the delay was due to extraordinary circumstances beyond your control and that the length of the delay was reasonable.

If I am in divorce or in annulment proceedings can I still file Form I-751 without my spouse?

An alien whose conditional resident status is approaching the 2-year anniversary of the grant of such status, but who is unable to file a joint petition to remove the conditions because divorce or annulment proceedings have commenced, may not apply for a waiver of the joint filing requirement based on the "good faith" exception. The waiver of the joint filing requirements only relates to those persons whose marriage has already been terminated. If your marriage is terminated before the expiration of your conditional permanent resident status, you may file the I-751.

What happens to my status if I cannot file Form I-751 because I am in divorce proceedings that have not been completed before my conditional status expires?

If an alien's conditional resident status is terminated because he or she could not timely file a Form I-751, and he or she is placed in removal proceedings, then he or she may request a continuance from the immigration judge to allow for the finalization of the divorce or annulment proceedings. If you are a conditional resident whose status has been terminated because you could not file the I-751 under these circumstances, you should be issued temporary evidence of permanent residence while your case is before the immigration judge.

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Can I file Form I-751 if I am overseas when my permanent resident card is about to expire?

A petition may be filed regardless of whether the permanent resident is physically present in the United States or not. However, if the permanent resident is outside the United States at the time of filing, he or she must return to the United States with his or her spouse and dependent children to comply with biometric requirements and, if necessary, interview requirements. A notice is sent for biometrics soon after receipt of Form I-751, so you should return to the U.S. as quickly as possible.

If I am overseas on military or government orders, where do I file Form I-751?

If you are overseas on military or government orders, you should file Form I-751 at the USCIS Service Center that has jurisdiction over the U.S. state where you last resided. For information about where to file, please read the instructions on our website at www.uscis.gov/i-751.

If I am overseas on military or government orders, do I need to submit photos and fingerprints with Form I-751?

Yes. You must submit the following items with Form I-751:

- Two passport-style photos for applicants and dependents, regardless of age; and
- Two completed fingerprint cards (Form FD-258) for applicants and dependents between the ages of 14 and 79. You must indicate your Alien Registration Number (A#) on the fingerprint card and be sure that the completed cards are not bent, folded, or creased. The fingerprint cards must be prepared by a U.S. Embassy or Consulate, USCIS Office, or U.S. Military installation.

Will I receive temporary evidence of my permanent residence while Form I-751 is in process?

If you file your Petition to Remove the Conditions on Residence (I-751) within the required time, USCIS will extend your conditional resident status for up to 12 months from the receipt date while your Form I-751 petition is under review. This extension will come in the form of a notice of action, Form I-797, from the USCIS Service Center where you filed your I-751.

Do I have to attend an interview for my conditions to be removed from my permanent residence?

If it is determined that an interview is required in your case, you will be notified as to where and when to appear. You must attend any interview when directed to do so.

Will the two-year period as a conditional resident count towards naturalization requirements?

Yes. As the spouse of a United States citizen, a permanent resident may apply for naturalization three years following the granting of resident status, which includes the two-year conditional period.

Note to Representative: More information about conditional residence and naturalization

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How long will it take for Form I-751 to be processed?

Note to Representative: Please provide the customer with the estimated processing time from the website, and then inform the customer of the following:

Processing time depends on a number of factors and any estimate that USCIS provides to its customers is only an estimate, not a guarantee. You can also check updated processing time estimates for an application or petition by visiting www.uscis.gov and selecting "See Office Case Processing Times" under the Tools tab. These estimates are updated monthly, typically after the 15th of the month.

What if Form I-751 is not decided within the one-year period after I file it?

If a decision has not made on your Form I-751 within one year after filing it, you should go to your local office (NOT an ASC) to obtain temporary evidence of your permanent resident status. You should take a valid passport with you. If you cannot obtain a valid passport, please take photo identification and two passport style photos with you. After completing a security check, the Immigration Service Officer may stamp your passport or issue you a stamped Form I-94, Arrival/Departure Record, with your photo attached as temporary proof of status. Local offices do not issue temporary permanent resident cards. The local office can only provide you with an ADIT stamp on your passport or issue you an I-94 as temporary proof of status until you receive your permanent resident card.

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Chapter 3	Renewing or Replacing your Permanent Resident Card, or Removing Conditions from Conditional Residency
Unit 3	If you need to update information on your card, such as changing your name, or you need to replace your card or have turned 14 since your last card was issued

OVERVIEW

A Permanent Resident Card, commonly known as a Green Card, is evidence of your permanent resident status within the United States. On occasion, it becomes necessary to replace the permanent resident card due to a number of reasons, such as irreparable damage to the card or a change in the cardholder's name.

Replacements are for customers who have a card and need to change information on it, such as a name or date of birth, OR a customer who had a card that has been lost, stolen, or mutilated, OR a customer who has reached the age of 14 since his/her last card was issued. Replacements for customers who are turning 14 must be done BY MAIL ONLY.

How do I replace my Permanent Resident Card?

Note to Representative: Please use the following questions to confirm the customer needs to file a Form I-90 rather than a Form I-751 or Form I-829.

Is your current permanent resident card valid for two years or ten years?

If the customer answers that his/ her permanent resident card was valid for ten years, please instruct the customer to file a Form I-90, and **continue on the next page**. If the customer states that his /her permanent resident card was valid for two years, please ask the next question.

Is your conditional permanent resident card expiring in the next ninety days or has it already expired?

If the customer answers that his/her conditional permanent resident card will expire in the next ninety days, or it has already expired, he/she must file a Form I-751 or a Form I-829. (Select Unit 4.3.3.2)

Otherwise, if the customer needs to file a Form I-90 because he/she did not enter as a conditional permanent resident, or because he/she is not near or are already within 90 days of the expiration date of their conditional residence.

Continue on the next page.

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File a Form I-90 with USCIS to ***replace*** your Permanent Resident Card. Form I-90 is available on our website at www.uscis.gov/i-90.

You may file Form I-90 by mail or you may e-file using USCIS ELIS.

If you file a Form I-90 by mail, you should include supporting evidence, such as a copy of your expired or expiring card. The instructions on the form will give you more details. Since filing procedures recently changed, please review the most recent instructions for Form I-90 on our website at www.uscis.gov/I-90.

If you file Form I-90 electronically, all supporting documentation will need to be scanned and uploaded into ELIS.

After you file, you will be mailed a notice scheduling you for an appointment at an Application Support Center (ASC) to have your fingerprints, photo and signature taken.

Note to Representative: If the customer received their Permanent Resident Card with an error on it, See Volume 1, Section 1.1.2.1.

Note to Representative: Form I-90 requests the applicant's A#. If the customer has lost their A#, they need to make an INFOPASS appointment to obtain it.

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Chapter 4 Helping a Relative Become a Permanent Resident

OVERVIEW

One of the most common ways people immigrate is based on being the relative of a permanent resident. The process starts when the permanent resident files a relative petition, which is Form I-130. Permanent residents can file for a spouse and unmarried children of any age, but not for other relatives. Filing a relative petition and proving a qualifying relationship registers the relative to immigrate.

Prompt: It appears you are a U.S. permanent resident who is interested in helping a family member get permanent residence, is that correct?

- If YES, go to "FAQ."
- If NO, go to "Where to Start"

Information about Helping a Relative Immigrate

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For Which Relatives May I File?

Any permanent resident (no age requirement) can file for the following relatives:
(***Select the relative you are interested in helping below to go to a self-guided tour for filing eligibility***)

- Spouse
- Unmarried child(ren) under age 21
- Unmarried sons or daughters age 21 or older

Other General FAQs

- Is there a guide that welcomes new immigrants to the United States?
- What does the petition do for my relative?
- Where do I file the Form I-130?
- Can I petition for other relatives?
- Which family members can apply for an immigrant visa or adjustment of status based on the principle beneficiary's approved petition?
- Can my unmarried child still receive an immigrant visa if he/she gets married before the visa is issued?
- How long after I file the petition can my relative immigrate?
- How do I file?
- What happens after I file?
- Does filing a relative petition commit me to anything?
- How long will it take USCIS to process my petition?
- What if I become a U.S. citizen while a relative I petitioned for is waiting for a visa?
- If my relative is already in the United States, can he/she stay until becoming a permanent resident?
- What is a priority date and how do they work?
- What is the Child Status Protection Act and How Does it affect my child?

FAQs about the USCIS Immigrant Fee

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Is there a guide that welcomes new immigrants to the United States?

Yes. There is a Guide on our website for New Immigrants available in English, Spanish, Chinese, Vietnamese, Korean, Russian, Arabic, Tagalog, Portuguese, French and Haitian Creole.

What does the petition do for my relative?

Filing an I-130 relative petition and proving you have a qualifying relationship gives the relative a place in line for a visa number among others waiting to immigrate based on that same kind of relationship.

> **Example:** You file a petition for your unmarried daughter. When USCIS approves it, your petition gives her a place in line with people from the same country who are also unmarried sons or daughters of permanent residents.

Your relative's place in line is based on the date you file the petition. So there is an advantage to filing as soon as possible.

Where do I file the Form I-130?

A petitioner residing in the United States or Canada should file Form I-130 in accordance with the instructions for Form I-130.

Note to Representative: Petitioners living abroad in a country **without** a USCIS office must file their petitions with the USCIS Chicago Lockbox, as noted in the instructions to Form I-130.

Can I petition for other relatives?

The law limits eligibility to the spouse, unmarried child(ren) under age 21, or unmarried sons or daughters age 21 or older. We cannot approve a relative petition filed by a permanent resident on behalf of any other relatives.

Which family members can apply for an immigrant visa or adjustment of status based on the principle beneficiary's approved petition?

Certain family members may be able to apply for an immigrant visa or adjustment of status based on the principle beneficiary's approved petition.

In most cases, when a visa becomes available, your relative's unmarried child(ren) under 21 years of age can apply as dependents of your relative. If the unmarried child(ren) qualify as a dependent, a separate I-130 petition does not have to be filed.

If the child of your relative is married when the visa becomes available, he/she is no longer eligible to apply for an immigrant visa or adjustment of status based on the principle beneficiary's approved petition.

If the child of your relative turns 21 years of age before the visa becomes available, he/she may no longer be able to apply for an immigrant visa or adjustment of status based on the principle beneficiary's approved petition. In certain cases, the Child Status Protection Act may apply. For more information, please see the FAQs regarding the Child Status Protection Act.

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Can my unmarried child still receive an immigrant visa if he/she gets married before the visa is issued?

There is no visa category for the married child of a permanent resident. A petition for an unmarried child will normally be automatically revoked if he/she gets married. However, as discussed above, an individual petition can continue to be processed if you become a U. S. Citizen before the child married. If you do become a U.S. citizen before your child is married, the petition will continue to be processed but will move to another visa category as the unmarried son or daughter of a U.S. citizen. After the son or daughter marries, the petition then will move from the unmarried son or daughter of a U.S. citizen visa category to the married son or daughter of a U.S. citizen visa category.

How long after I file the petition can my relative immigrate?

Once your relative petition is approved, it gives your relative a place in line among those waiting to immigrate; the waiting period varies by relationship and country. For most relatives, the combination of high demand and limits set by immigration law regarding how many people can immigrate, this means they may have to wait several years. If you are interested in current wait times, please visit "Visa Bulletins" on the State Department's website at http://travel.state.gov/content/visas/english/law-and-policy/bulletin.html.

How do I file?

Follow the instructions for Form I-130 and check our website, for any updates on instructions or fees. Make sure your petition is complete and send it to the specified USCIS Lockbox. You will need to submit evidence of your permanent residence status and evidence proving your qualifying relationship to each person for whom you are filing.

What happens after I file?

If you filed by mail, we will mail you a receipt so you know we have your petition. If your petition is incomplete, we may have to reject it or ask you for more evidence or information, which will delay processing. Please carefully follow the I-130 instructions and send all required documents the first time to avoid delay.

We will notify you in writing when we make a decision.

- If your relative is already in the United States and entered legally, he or she may apply to adjust status to become a green card holder (permanent resident) after a visa number becomes available using Form I-485.
- If your relative is outside the United States, your petition will be sent to the National Visa Center (NVC). The NVC will forward your petition to the appropriate U.S. embassy or consulate when a visa becomes available and your relative will be notified about how to proceed. You can get more information about immigrant visa processing from the State Department's website at www.travel.state.gov.

Your family member's preference category will determine how long he or she will have to wait for an immigrant visa number.

Does filing a relative petition commit me to anything?

If you decide to sponsor your relative, you must file Form I-864, affidavit of support. If you do not meet the minimum household income requirement you may find a qualifying co-sponsor who is willing to make the commitment. Please carefully read the instructions and the obligation of a sponsor before you sign the form.

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How long will it take USCIS to process my petition?

Note to Representative: Please provide the customer with the estimated processing time from the website, and then inform the customer of the following:

Processing time depends on a number of factors and any estimate that USCIS provides to its customers is only an estimate, not a guarantee. You can also check updated processing time estimates for an application or petition by visiting www.uscis.gov and selecting "See Office Case Processing Times" under the Tools tab. These estimates are updated monthly, typically after the 15th of the month.

What if I become a U.S. citizen while a relative I petitioned for is waiting for a visa?

If you become a U.S. citizen while your relative is waiting for a visa, you can upgrade your relative's visa classification by upgrading your petition. Spouse and unmarried children under age 21 and parents of U.S. citizens have visas immediately available to them.

- If you become a U.S. citizen after your petition is already approved and sent to the State Department, you should notify the NVC that you have become a U.S. citizen by sending a copy of your naturalization certificate to the NVC. Please include a letter with information regarding your relative and a copy of the petition approval that you wish to upgrade. You can find contact information and mailing instructions for the NVC on the Department of State's website.

If your relative is your spouse and he/she has children who are your stepchildren or adopted, and you did not file separate petitions for them, you must file separate petitions for them now with evidence of your U.S. citizenship.

If my relative is already in the United States, can he or she stay until becoming a permanent resident?

Your approved relative's petition gives your relative a place in line among those waiting to immigrate. It does not let him/her come to the U.S., or remain here until he/she can apply for permanent resident status. If he/she comes or stays without legal status, it will affect his/her eligibility to become a permanent resident when his/her place in line for a visa is reached. He/she should wait outside the United States to immigrate legally.

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Introduction to the Child Status Protection Act (CSPA)

On August 6, 2002, President George W. Bush signed the Child Status Protection Act into law. This law allows certain unmarried sons or daughters of United States citizens, permanent residents of the United States, asylees, and refugees to continue to be considered a "child" for purposes of visa availability or other eligibility determinations, even after they turn 21 years old. In certain cases, derivative beneficiaries can also continue to be considered a “child” for immigration purposes.

Unmarried sons and daughters of permanent residents

- What advantage(s) does the Child Status Protection Act provide to unmarried sons and daughters of permanent residents that are eligible?
- What are the eligibility requirements unmarried sons and daughters of permanent residents must meet in order to qualify for the Child Status Protection Act?
- Must the date the visa becomes available be based on a separate petition filed on behalf of the child?
- How does USCIS determine the age of the unmarried son or daughter of a permanent resident for the purposes of the Child Status Protection Act?
- What is the time limit on the filing period for an immigrant visa for the unmarried son or daughter of a permanent resident before losing this benefit?

Unmarried sons and daughters of permanent residents whose parents later become US citizens

- What benefit does the Child Status Protection Act have for the unmarried sons and daughters of permanent residents who later become US citizens?
- Why would the unmarried sons and daughters of permanent residents who later become US citizens elect not to have such a conversion?

Other related Child Status Protection Act questions

- Are derivatives of employment-based and diversity immigrants’ eligible for benefits under the Child Status Protection Act?
- How were unmarried sons or daughters of United States citizens, permanent residents of the United States, asylee, and refugees previously treated once they turned 21?

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Unmarried sons and daughters of permanent residents

What advantage(s) does the Child Status Protection Act provide to unmarried sons and daughters of permanent residents that are eligible?

The Child Status Protection Act allows the time a visa petition was pending to be subtracted from the beneficiary's biological age at the time of visa availability so that the applicant is not penalized for the time in which USCIS did not adjudicate the petition.

What are the eligibility criteria unmarried sons and daughters of permanent residents must meet in order to qualify for the Child Status Protection Act?

To be eligible to maintain consideration in the status as a child of a permanent resident, unmarried sons and daughters of permanent residents must:

- Have been unmarried and under the age of 21 at the time the visa petition (I-130) was filed;
- Be the beneficiary of a pending or approved visa petition on or after August 6, 2002;
- Not have had a final decision on an application for adjustment of status or an immigrant visa before August 6, 2002;
- Apply for the immigrant visa or legal permanent resident status within one year from the date a visa became available, unless it can be demonstrated that the delay in filing can be attributed to extraordinary circumstances.

Must the date the visa becomes available be based on a separate petition filed on behalf of the child?

No, the date an immigrant visa becomes available to a child may be based upon a separate petition or may be the date an immigrant visa became available to a parent on whose petition the child is included.

How does USCIS determine the age of the unmarried son or daughter of a permanent resident for the purposes of the Child Status Protection Act?

The Child Status Protection Act (CSPA) protects the unmarried sons' and daughters' immigration classification as a child even when his/her biological age is over 21 when a visa becomes available. CSPA allows these unmarried sons and daughters to subtract the amount of time the visa petition (I-130) was pending with USCIS from their age at the time a visa becomes available. If, after doing so, his/her calculated age is under 21, then the son/daughter will be considered a "child" for immigration purposes.

What is the time limit on the filing period for an immigrant visa for the unmarried son or daughter of a permanent resident before losing this benefit?

The unmarried son or daughter of a permanent resident must file for the immigrant visa within one year of visa availability, or he/she will be placed in the preference category of an unmarried son or daughter of a permanent resident, unless it can be demonstrated that the delay in filing can be attributed to extraordinary circumstances.

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Unmarried sons and daughters of permanent residents whose parents later become US citizens

What benefit does the Child Status Protection Act have for the unmarried sons and daughters of permanent residents whose parents later become US citizens?

The unmarried son or daughter of a permanent resident who later becomes a U.S. citizen may now elect not to have their preference category converted from second preference to first preference. If the son or daughter elects to do this, he or she will maintain the second preference category of an unmarried son or daughter of a permanent resident as long as they remain unmarried.

Why would the unmarried sons and daughters of permanent residents who later become US citizens elect not to have such a conversion?

When a permanent resident parent becomes a United States citizen after the unmarried son or daughter turns 21 years of age, the son or daughter would automatically become the unmarried son or daughter, over age 21, of a United States citizen. The category of the son or daughter would automatically be converted from second preference to that of first preference, accordingly.

Generally, this automatic conversion would make a visa available much quicker due to the higher preference category. However, due to visa limitations on some countries with high levels of immigration, this has the opposite effect. The reason they may choose not to have this conversion occur is because the visa would take much longer to become available in the first preference category than the second preference category. This means that the unmarried son or daughter of U.S. citizen would take longer to immigrate to the U.S. or to adjust status than had he/she remained in the category of an unmarried son or daughter of a permanent resident.

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Other Child Status Protection Act-related questions

Are derivatives of employment-based and diversity immigrants' eligible for benefits under the Child Status Protection Act?

Note to Representative: Transfer call to Tier 2, UNLESS Tier 2 live assistance is unavailable.

How were unmarried sons or daughters of United States citizens, permanent residents of the United States, asylees, and refugees previously treated once they turned 21?

Historically, immigration law has made a significant distinction between an unmarried child who is under age 21 and an unmarried child who turns 21 years old for purposes of visa issuance and other eligibility determinations.

Under immigration law, a child who is unmarried and under age 21 is in a category that makes him or her eligible for a higher consideration for visa availability. Previously, a child who reached age 21 was no longer in the category of a child. The visa eligibility category changed to that of an unmarried son or daughter and the availability of an immigrant visa was reduced. This reduction in availability caused the son or daughter to wait a longer period of time to be eligible to receive a visa simply because he or she turned 21 years old. The Child Status Protection Act was enacted to prevent this from happening in certain circumstances and to continue to keep families united.

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First, let's determine if the child/son/daughter met or meets the definition of a child under immigration law so you can help the child become a permanent resident.

You, the petitioner, are the:

- Father
- Mother

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You are the:

- Natural Mother
- Adoptive mother
- Step-Mother

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Does your name appear on the birth certificate of this child/son/daughter as the natural father?

- Yes
- No

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Were you married to this child's mother when the child was born?

- Yes
- No

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Do you or did you have evidence that you have maintained a valid parent-child relationship with the child?

- Yes (You'll need to prove this if you file a petition for the child.)
- No

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Is this child your stepchild?

- Yes
- No

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Did you marry the child's other parent before the child turned 18?

- Yes
- No. Stepchild does not meet definition of child. More information about the definition of a child

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Is this child your adopted child?

- Yes
- No. The father may petition for a child born out of wedlock by filing the Form I-130, Petition for a Relative. However, if the child was not legitimated before reaching 18 years of age, evidence of a bona fide (real and established) parent-child relationship must be provided.

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Have you legitimated this child under the law of the child's residence or domicile, or under the law of your residence or domicile?

- Yes
- No. Stepchild does not meet definition of child. More information about the definition of a child

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Did this legitimation take place before the child reached the age of 18 years?

- Yes
- No. Stepchild does not meet definition of child. More information about the definition of a child

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Was the child in your legal custody at the time of such legitimation?

- Yes
- No. Stepchild does not meet definition of child. More information about the definition of a child

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Was the adoption finalized before the child turned 16?

- Yes
- No

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Was this child the brother or sister of another child you previously adopted while the first child was under 16?

- Yes.
- No. Stepchild does not meet definition of child. More information about the definition of a child

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Was the adoption of this brother or sister of the first adopted child finalized before this sibling turned 18?

- Yes
- No. Stepchild does not meet definition of child. More information about the definition of a child

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Has the child been in your legal custody for two years?

- Yes
- No. Stepchild does not meet definition of child. More information about the definition of a child

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Has the child resided with you in your physical custody for two years?

- Yes
- No. Stepchild does not meet definition of child. More information about the definition of a child

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In order for you to help your relative become a permanent resident, he/she must have met the definition of "child" under immigration law before he/she was age 21. Determine whether your relative meets the definition of a child.

If your relative is your brother/sister both you and your brother/sister had to have met the definition of a child of one common parent.

If your son/daughter/brother/sister does not meet the definition of a child, you will not be able to help him/her become a permanent resident.

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It appears you may want to file a Form I-130 for your relative.

Your family members are not eligible to apply for permanent resident status at the same time you file the Form I-130, regardless of how they entered or their present status in the U.S. because they would be under an immigrant visa category that has limited amounts of visas available. If the Form I-130 is approved, it will be sent to the National Visa Center (NVC). The NVC will pre-process it and forward it to the appropriate U.S. Consulate. Information about the National Visa Center fee and document collection

The priority date (the filing date of the I-130) must be current before your relative will be eligible to file for an immigrant visa. Visa processing times vary depending upon the visa category and country of origin of the relative. For more information about visa processing and availability, please see the visa bulletin at the State Department's web site at www.state.gov. Once the visa is available, both you and your relative will be notified and your relative will be invited to apply for his/her immigrant visa outside the United States at a U.S. Consulate.

You can download the necessary Form I-130 from our website at www.uscis.gov.

General FAQs about a permanent resident helping a family member become a permanent resident

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Permanent residents can only file an immigrant visa petition for a spouse or unmarried children. There is no immigrant visa category for any other relative of a permanent resident.

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Temporary Visit

Your relative will need to apply for a visitor's visa at the nearest U.S. Consulate or Embassy unless he/she is eligible for a visa waiver or unless a citizen of Canada.

To assist your relative in obtaining a visitor's visa, you may want to write an "invitation letter". For more information, please see the State Department's website at www.state.gov.

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What is the definition of "child" under immigration law?

Immigration law defines a "child" as a person who is:

1. Unmarried; AND

2. Under age 21 AND

3. One of the below:

    - BORN TO MARRIED PARENTS
        - Born to parents who are married to each other (born in wedlock); OR
    - BORN OUT OF WEDLOCK
        - A child born out of wedlock (the parents were not married at the time the child was born). Note: If the father is filing the petition, proof of a bona fide (real and established) relationship with the father must be supplied; OR
    - STEPCHILDREN
        - A stepchild relationship may exist if the marriage creating the step-relationship took place before the child reached the age of 18; OR
    - ADOPTED BUT WAS NOT ORPHAN OR DID NOT USE SPECIAL ORPHAN PETITION
        - An adopted child (not an orphan or did not use the special orphan petition program) if the child was adopted before the age of 16 and has lived with the adoptive parent(s) in their legal custody for at least two years; OR
    - ORPHANS:
        - An orphan under the age of 16 when an adoptive or prospective adoptive U.S. Citizen parent files an orphan petition on his or her behalf, who has been adopted abroad by a U.S. citizen or is coming to the U.S. for adoption by a U.S. citizen; OR
        - An adopted orphan who is under the age of 18 and the natural sibling of an orphan or adopted orphan child under the age of 16, if adopted with or after the sibling.

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Chapter 4 Helping a Relative Immigrate and Financially Sponsoring an Immigrating Alien

Unit 1 Information about the USCIS Immigrant Fee

OVERVIEW

Effective February 1, 2013, USCIS will collect a $165 Immigrant Visa DHS Domestic Processing Fee (USCIS Immigrant Fee) from individuals who have been issued immigrant visas by the U.S. Department of State and who are applying for admission to the U.S. USCIS established this fee to recover the costs associated with processing, filing, and maintaining the immigrant visa package, and producing and mailing required documents.

General FAQs

Additional FAQs continue on the next page

Additional USCIS Immigrant Fee FAQS

- What happens if I lose my copy of the payment confirmation? How can I provide proof of payment?
- How should I respond to a request for evidence (RFE) stating that I did not pay the immigrant fee?
- Does the fee have to be paid for each individual issued a visa or just for the individual on whose behalf an immigrant visa petition was filed? If I file an immigrant visa petition for my relative who has dependent children, will the fee have to be paid for each of the dependents as well?
- I am trying to pay the USCIS Immigrant Fee and am unable to type in my Case ID Number on the fee payment form on the USCIS ELIS website. What should I do?
- Will the immigrant receive proof of permanent resident status when entering the U.S.?
- Can the immigrant fee be waived?
- Is a Spanish version of the USCIS ELIS website available?
- I don't have a Case ID Number or an Alien Registration Number (A-Number). What should I do?
- I received a letter titled "Permanent Resident Card Processing Payment" from the Texas Service Center. Why was this letter sent to me?
- My mailing address is different from the address I provided the Department of State of U.S. Customs and Border Protection. How do I update the address to which my Permanent Resident Card is mailed?
- Do I have to pay for a replacement Permanent Resident Card if I previously paid the USCIS Immigrant Fee but have not yet received my card?

Note to Representative: If the customer has questions about using ELIS, please go to Volume 3, Getting Ready to File, USCIS ELIS Questions Chapter.

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What is the Immigrant Visa DHS Domestic Processing Fee (USCIS Immigrant Fee)?

The USCIS Immigrant Fee is a fee of $165 that USCIS established to cover the costs associated with processing, filing, and maintaining the immigrant visa package, and producing and mailing required documents (such as a Permanent Resident Card).

Who has to pay the USCIS Immigrant Fee?

Individuals who have been issued immigrant visas by the U.S. Department of State and are applying for admission to the U.S. need to pay this fee.

The following immigrants are exempt from paying the immigrant fee:

- children who enter the United States under either the Orphan or Hague adoption programs;
- Iraqi and Afghan special immigrants;
- returning residents (SB-1s); and
- those issued K visas.

When will the USCIS Immigrant Fee take effect?

Effective February 1, 2013, USCIS will collect the USCIS Immigrant Fee from individuals who have been issued immigrant visas by the U.S. Department of State.

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How should I pay the Immigrant Fee?

Immigrant visa holders applying for admission to the U.S. must pay the USCIS Immigrant Fee by going online at www.uscis.gov/elis and linking to USCIS ELIS to answer some questions and provide their checking account, debit, or credit card information.

Immigrant visa holders must submit payments online after they receive their immigrant visa package from the U.S. Department of State (DOS). DOS will issue the applicant:

- A USCIS handout which will include the immigrant visa holder's Alien number (the letter "A" followed by 8 or 9 numbers) and DOS Case ID number (3 letters followed by 9 or 10 numbers); and
- Instructions on how to submit payment.

Note to Representative: If the immigrant visa holder is a Diversity Visa immigrant, the DOS Case ID number will have 4 numbers followed by 2 letters and 5 more numbers.

Immigrant visa holders should keep a copy of their receipt for their records.

Please visit our Web site at www.uscis.gov/immigrantfee and www.uscis.gov/elis for more information about the fee.

Note to Representative: For FAQs about using ELIS, please go to Volume 3, Getting Ready to File, USCIS ELIS Questions Chapter.

When should the Immigrant Fee be paid?

Payment should be made before traveling to the U.S.

If you are unable to pay the fee before departing for the U.S., you must pay this fee after your arrive in the U.S. If there is no record of payment following your admission to the U.S., USCIS will send you a notice requesting payment.

Please note that you will not receive your permanent resident card until you have paid the USCIS Immigrant Fee.

Failure to pay the USCIS immigrant fee will not affect your status as a lawful permanent resident but you will only have evidence of your lawful permanent status for one year from the date of your admission, as evidenced by the temporary I-551 stamp placed in your passport by CBP at the time of your admission.

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Can check payments be from an overseas bank?

No. Check payments must be drawn on a U.S. bank.

If the immigrant visa holder does not have a checking account, debit, or credit card, or is otherwise unable to pay the fee, may I pay on their behalf?

Yes, you will need your family member's A-number and Department of State (DOS) Case ID in order to pay the fee.

Can my employer or attorney and pay my USCIS Immigrant Fee in Electronic Immigration System (ELIS)?

Yes, they will need your A-number and Department of State (DOS) Case ID in order to pay the fee.

If the immigrant visa is issued before February 1, 2013, but the immigrant visa holder did not apply for admission to the U.S. until after February 1, 2013, will the immigrant visa holder have to pay the fee?

No. Immigrant visa holders are not required to pay the USCIS Immigrant Fee if the U.S. Department of State issued their Immigrant Visa before February 1, 2013.

What happens if I do not pay the USCIS immigrant fee?

You will not receive your permanent resident card until you have paid the USCIS Immigrant Fee.

Failure to pay the USCIS immigrant fee will not affect your status as a lawful permanent resident but you will only have evidence of your lawful permanent status for one year from the date of your admission, as evidenced by the temporary I-551 stamp placed in your passport by CBP at the time of your admission.

Who is exempt from paying the immigrant fee?

The following immigrants are exempt from paying the immigrant fee:

- children who enter the United States under either the Orphan or Hague adoption programs;
- Iraqi and Afghan special immigrants;
- returning residents (SB-1s); and
- those issued K visas.

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Can I mail payment of the USCIS Immigrant Fee to a USCIS Office?

No. USCIS only accepts payment of the USCIS Immigrant Fee online through USCIS ELIS. USCIS **will not** accept payments via mail.

How can I track the status of my permanent resident card?

If you have your receipt number, please visit www.uscis.gov and select "Check My Case Status."

If you do not have your receipt number and it has been 60 days since you paid the immigrant fee, please visit https://egov.uscis.gov/cris/contactus and fill out the Electronic Immigration System Online Help Form requesting an update of your status. Please remember to include your full name and A-number when completing the Form. You can find your A-Number on your immigrant data summary, USCIS Immigrant Fee handout, or immigrant visa stamp.

The receipt number is not available until 60 days after payment of the immigrant fee.

May I pay for my family member if I have already paid my USCIS Immigrant Fee in USCIS ELIS?

Yes, you will need your family member's A-number and Department of State (DOS) Case ID in order to pay the fee.

Note to Representative: For FAQs about using ELIS, please go to Volume 3, Getting Ready to File, USCIS ELIS Questions Chapter.

Where can I get more information about the USCIS Immigrant Visa Fee?

For more information about the fee, please visit our website at www.uscis.gov/immigrantfee where a News Release and a detailed payment Web page, including a set of questions and answers about the USCIS Immigrant fee, are available. Also, please visit www.uscis.gov/elis.

What happens if I lose my copy of the payment confirmation? How can I provide proof of payment?

Payment confirmations cannot be re-generated. For payment confirmation please view the statement for the credit card or bank account that was used to pay for the immigrant fee.

How should I respond to a request for evidence (RFE) stating that I did not pay the immigrant fee?

If you did not pay the immigrant fee, please go online at www.uscis.gov/elis to pay the fee. Please print out a copy of the payment confirmation and submit it with your response to the RFE.

Please note that you will not receive your permanent resident card until you have paid the USCIS Immigrant Fee.

If you previously paid the immigrant fee, when responding to the RFE, you can provide a copy of your credit card statement, bank statement, or processed check that was used for payment.

Back to: USCIS Immigrant Fee Services for Permanent Residents and Naturalization Main Menu

Does the fee have to be paid for each individual issued a visa or just for the individual on whose behalf an immigrant visa petition was filed? If I file an immigrant visa petition for my relative who has dependent children, will the fee have to be paid for each of the dependents as well?

Yes. The fee must be paid for each recipient of a Department of State Immigrant Visa who applied for admission to the United States. The immigrant fee would have to be paid for the relative and for each dependent.

You must provide the Alien Registration Number or A-Number and the Department of State Case ID Number assigned to you and each family member you are paying for. Please be sure to correctly enter the A-Number and Department of State Case ID Number in USCIS ELIS. You can pay for multiple family members by clicking the "Add" button.

I am trying to pay the USCIS Immigrant Fee and am unable to type in my Case ID Number on the fee payment form on the USCIS ELIS website. What should I do?

The Case ID Number can be found on the Immigrant Data Summary Sheet stapled to the front of the immigrant visa package you received with your visa. The number begins with three letters indicating the consulate or embassy followed by a series of numbers. Additionally, at the time of your interview at the U.S. Embassy or Consulate, the DOS interviewing officer provided you with a USCIS handout that informed you of the need to pay the immigrant fee and included your A-Number and Case ID Number.

If the fee payment form will not accept your Case ID Number, USCIS should be able to process your payment if the correct Alien Registration Number or A-Number assigned to the individual on the transaction is entered. Please be sure to enter the A-Number correctly when paying the fee. If you are paying the fee on behalf of multiple family members, ensure that the A-Number for each individual is captured correctly. The A-Number is the letter "A' followed by eight or nine numbers. If you A-Number is fewer than nine digits, insert a zero after the "A" and before the first digit to create a nine-digit number. For example, "A12345678" would become "A012345678."

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Will the immigrant receive proof of permanent resident status when entering the U.S.?

Yes. The immigrant will receive an ADIT stamp upon entry that will serve as proof of permanent resident status for up to one year or until their card is received. While waiting for your permanent resident card, this stamp can also be used for re-entry when returning to the United States from overseas travel and for evidence of work authorization in the United States.

Can the immigrant fee be waived?

No, there is no waiver available for the immigrant fee.

Is a Spanish version of the USCIS ELIS website available?

No. The USCIS ELIS website is only available in English.

I don't have a Case ID Number or an Alien Registration Number (A-Number). What should I do?

Your Case ID Number and Alien Registration Number (A-Number) can be found on the Immigrant Data Summary Sheet stapled to the front of the immigrant visa package you and any accompanying family members received with your visa from the Department of State (DOS), US Embassy or Consulate. If you did not receive an Immigrant Data Summary Sheet with your visa packet, please request this sheet from the U.S. Embassy or Consulate that issued you the visa. Each individual family member will be provided a separate sheet. Additionally, at the time of your interview at the U.S. Embassy or Consulate, the DOS interviewing officer provided you with a USCIS handout that informed you of the need to pay the immigrant fee and included your A-Number and Case ID Number.

Your A-Number can also be found on your passport next to your admission stamp. If you are still unable to locate your A-Number, you may make an appointment to visit your local USCIS office. The Immigration Services Officer at the local office can provide you with your A-Number. The A-Number is the letter "A' followed by eight or nine numbers. If you A-Number is fewer than nine digits, insert a zero after the "A" and before the first digit to create a nine-digit number. For example, "A12345678" would become "A012345678." You can schedule the appointment yourself by using INFOPASS on our website at www.uscis.gov.

Back to: USCIS Immigrant Fee Services for Permanent Residents and Naturalization Main Menu

I received a letter titled "Permanent Resident Card Processing Payment" from the Texas Service Center. Why was this letter sent to me?

This letter was sent to inform you that the processing of your Permanent Resident Card has been suspended because USCIS does not have a record of payment of the $165 USCIS Immigrant Fee. For more information about the USCIS Immigrant Fee and how to pay the fee, please visit our website at www.uscis.gov/immigrantfee and www.uscis.gov/elis.

Please follow the instructions in the letter and mail a copy of the letter and a copy of your payment confirmation from Pay.gov to the Texas Service Center address noted in the letter.

Note to Representative: If the customer states that they no longer have a copy of their payment confirmation, please read the customer the answer to the FAQ "What happens if I lose my copy of the payment confirmation?"

My mailing address is different from the address I provided the Department of State or U.S .Customs and Border Protection. How do I update the address to which my Permanent Resident Card is mailed?

USCIS will only mail your permanent resident card to the U.S. mailing address you provide to the Department of State at the time of your immigrant visa interview or to the U.S. Customs and Border Protection (CBP) officer when you are admitted to the United States. If you move after you arrive in the U.S. and do not receive your card within 45 days, please update your address with USCIS by visiting www.uscis.gov/addresschange or by calling us back.

Do I have to pay for a replacement Permanent Resident Card if I previously paid the USCIS Immigrant Fee but have not yet received my card?

If you need a replacement card, please see information on Form I-90, Application to Replace Permanent Resident Card.

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Chapter 5 Changing Your Address with USCIS

OVERVIEW

Every permanent resident must notify USCIS when they move. This requirement is fulfilled by completing and submitting Form AR-11. However, completing the AR-11 does not update the address on any application or petition that may be pending with USCIS; it only allows the alien to meet the legal requirements of keeping USCIS informed of an address change. To ensure that applicants receive all notices, requests, and documents related to any case pending with USCIS, applicants still need to notify USCIS in a separate method to update the address on that pending application

Prompt: It appears you are a permanent resident of the U.S. who wants to report a change of address to USCIS, is that correct?

- If YES - continue below
- If NO, go to "Where to start"

For more in depth information about changing your address, choose the scenario below that most closely matches your situation. You are a Permanent Resident and you:

- If you have an application or petition pending with USCIS, please see Volume 2, Pending Services.
- You do NOT Have an Application or Petition Pending with USCIS and You Have Not Filed an I-864, Affidavit of Support, on behalf of someone who is or has immigrated
- You do NOT Have an Application or Petition Pending with USCIS and You Have Previously Filed an I-864, Affidavit of Support, to Financially Sponsor someone else

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Change of Address for Non-U.S. Citizen Who Does Not Have any Applications or Petitions Pending with USCIS and Who Has Not Filed an Affidavit of Support

Except for "A" and "G" Nonimmigrants, aliens in the United States for 30 days or longer are required by law to inform USCIS of any address change within 10 days of the permanent change of address. To meet this legal requirement, they must complete and submit a Form AR-11 to USCIS within 10 days from the date the permanent move is completed. The AR-11 is available from our website at www.uscis.gov.

Therefore, any person who is not a United States citizen and who is age 14 or older and in the United States for 30 days or longer (except "A" or "G" Nonimmigrants) and who does not have any applications or petitions with USCIS MUST STILL COMPLETE AND SUBMIT FORM AR-11 within 10 days from the date the permanent move is completed. Form AR-11 is available from our website at www.uscis.gov.

Note to Representative: Customers in this situation must be informed to complete and submit Form AR-11.

Change of Address for Non-U.S. Citizen Who Does Not Have any Applications or Petitions Pending Has Filed an I-864 Affidavit of Support

A person who is not a United States citizen and who has filed an I-864, Affidavit of Support, on behalf of another alien who, as a result, obtained lawful permanent resident status, must keep USCIS informed of any address change by completing and submitting a Form I-865.

In addition, to the Form I-865, any person who is not a United States citizen who is age 14 or older and in the United States for 30 days or longer (except "A" or "G" Nonimmigrants) is required by law to inform USCIS of any address change within 10 days of completing a permanent change of address. To meet this legal requirement, he/she must also complete and submit a Form AR-11 to USCIS within 10 days from the date the permanent move is completed.

A permanent resident who sponsors an alien by completing and submitting a Form I-864 must keep USCIS informed of his/her address during the time the sponsor's support obligation under the affidavit of support remains in effect. If the sponsor's address changes, he/she must file Form I-865, Sponsor's Notice of Change of Address, with USCIS no later than 30 days after the change of address becomes effective.

FAQs concerning the I-865:

- What is the purpose of the Form I-865?
- Where do I file my change of address notification?
- What are the penalties associated with not filing the Form I-865?

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What is the purpose of the Form I-865?

This form is used to report the sponsor's new address and/or residence within 30 days of the change, as required by USCIS.

Where do I file my Form I-865?

Please see the instructions for Form I-865.

What are the penalties associated with not filing the Form I-865?

If the sponsor fails to file the change of address, he/she is subject to a civil penalty ranging from $250 to $2,000 unless the sponsor knew that the sponsored immigrant had received means-tested public benefits, in which case the fine will range from $2,000 to $5,000.

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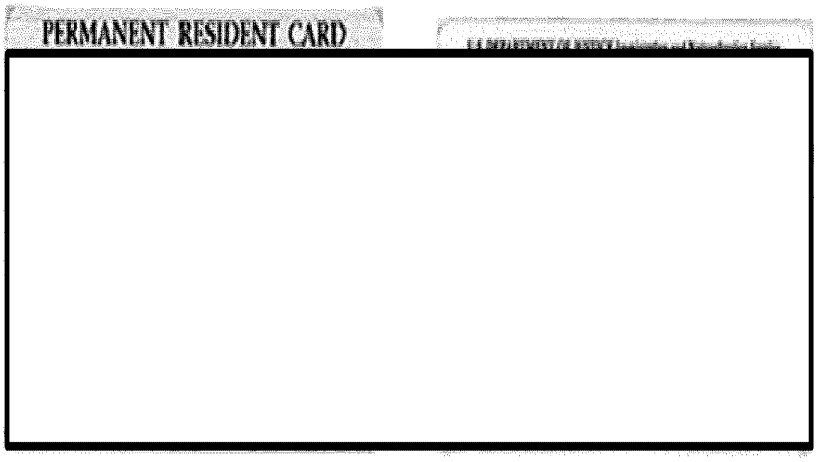
SAMPLE REDESIGNED I-551 PERMANENT RESIDENT CARD PRODUCED **FROM MAY 2010 TO THE PRESENT**

(b)(6)

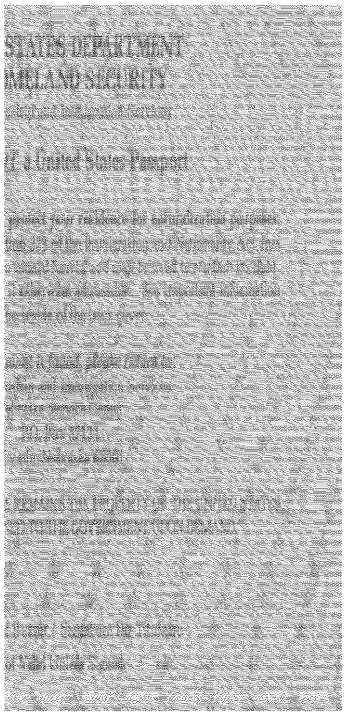
SAMPLE I-551 PERMANENT RESIDENT CARD PRODUCED FROM **DECEMBER 1997 TO MAY 2010**

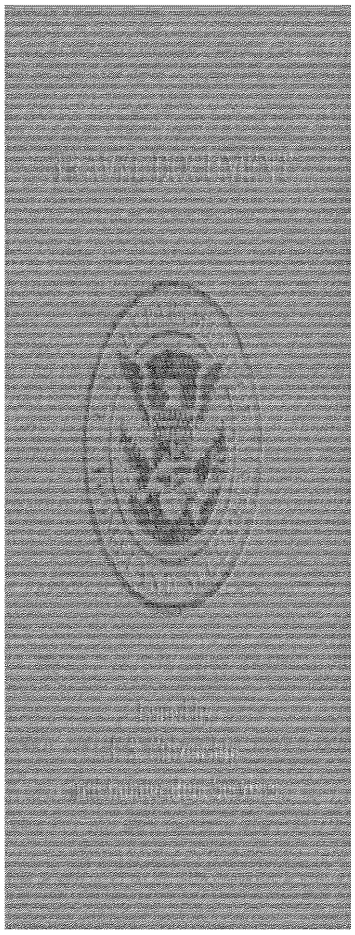
(b)(6)

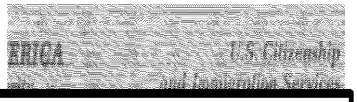


ıed to a permanent resident alien in lieu of a passport. The Reentry Permit guarantees him/her permission to
ıf two (2) years. It is not renewable.

ıotograph and many of the security features of a passport. Visas and entry/exit stamps may be applied to the







(b)(6)

Form I-327

Chapter 6 Other Benefits and Services for Permanent Residents - Including Financially Sponsoring Someone Who is Immigrating

Prompt: It appears you are a permanent resident of the U.S. interested in general information about immigration benefits and services available to you. Is that correct?

- If YES: Are you interested in information about how to financially sponsor someone for immigration? YES
- If NO to either question above go to Main Menu

Information about how to financially sponsor someone for immigration

Otherwise, please return to our Main Menu.

Back to: Services for Permanent Residents and Naturalization Main Menu

Under the law, every person who immigrates based on a relative petition must have a financial sponsor. If you choose to sponsor your relative's immigration by filing a Form I-130, *Petition for Alien Relative*, when the time comes for actual immigration you must agree to be the financial sponsor and file an affidavit of support. If you do not meet the financial qualifications at that time, you must still file a Form I-864, *Affidavit of Support*, and accept responsibility, but you and your relative must also find other individuals who meet the requirements and are willing to make this commitment and also file a Form I-864, Affidavit of Support.

FAQs related to Form I-864, the Affidavit of Support:

- What is the purpose of the affidavit of support?
- Who has to have an affidavit of support in order to immigrate?
- What are the financial qualifications for an Affidavit of Support?
- I filed the I-130 Immigrant Petition for my Relative, but I do not meet the minimum income requirement. Can anyone else be a financial sponsor?
- Someone has asked me to be a financial sponsor because they don't meet the minimum income requirement. What can I do?
- When and how do I file the Affidavit of Support?
- Do I need to notify USCIS if I move?
- What if a person I financially sponsor only gets public benefits after becoming a permanent resident?
- When does my financial responsibility end?
- Should I file Form I-864 or Form I-134? What is the difference?

For further information concerning supporting evidence to submit to satisfy the minimum income requirements, please see the instructions to Form I-864.

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What is the purpose of the affidavit of support?

The affidavit of support helps ensure that new immigrants will not need to rely on public benefits such as Food Stamps, Medicaid, Supplemental Security Income (SSI), and Temporary Assistance to Needy Families. If a person for whom you file an affidavit of support becomes a permanent resident and is later given certain public benefits, the agency that gave the benefits can require that you repay that money.

Who has to have an affidavit of support in order to immigrate?

Anyone applying to be a permanent resident through a family member must have a sponsor. A sponsor is also required for a family member coming to work for a relative, or for a company in which a relative owns 5 percent or more of the company.

The person filing the petition sponsoring the person's immigration must file an affidavit of support. If he/she does not, their sponsorship is not complete, and the person will not be given permission to immigrate based on that petition.

What are the financial qualifications for an Affidavit of Support?

The law requires a sponsor to prove an income level at or above 125% of the Federal poverty level. (For active duty military personnel, the income requirement is 100% of the poverty level when sponsoring his/her spouse or children.) If your income does not meet the requirement, your assets, such as checking and savings accounts, stocks, bonds, or property, may be considered in determining your financial ability.
Federal poverty levels are updated each year. You can check the current poverty guidelines by downloading Form I-864P, Poverty Guidelines, from www.uscis.gov.

I filed the I-130 Immigrant Petition for my Relative, but I do not meet the minimum income requirement. Can anyone else be a financial sponsor?

If you do not meet the financial qualifications, the income of certain other household members can be added in to your income level if they sign a contract on Form I-864A, *Affidavit of Support Contract Between Sponsor and Household Member*, agreeing to make their income and/or assets available to support the relative applying for permanent residence.

If you still cannot meet the financial qualifications; another person must complete a separate Form I-864, Affidavit of Support, to become a joint financial sponsor of the person's immigration. The joint sponsor must meet all sponsorship requirements separately, including the minimum income requirements for his/her household, and must be willing to assume, along with you, financial liability for the sponsored immigrant(s).

All sponsors must be U.S. citizens or permanent residents, be at least 18, and be living in the United States (including territories and possessions) when they file the affidavit of support.

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Someone has asked me to be a financial sponsor because they don't meet the minimum income requirement. What can I do?

Anyone applying to be a permanent resident through a family member must have a sponsor. A sponsor is also required for a family member coming to work for a relative, or for a company in which a relative owns 5 percent or more of the company. If the petitioner does not meet the financial qualifications, the income of certain other household members can be added into the income level of the petitioner if that household member signs a contract on Form I-864A, *Affidavit of Support Contract Between Sponsor and Household Member*, agreeing to make their income and/or assets available for the support of the petitioner's relative applying for permanent residence. If the petitioner still cannot meet the financial qualifications, another person will need to complete a separate Form I-864, Affidavit of Support, to become a joint financial sponsor of the petitioner's relative.

If you choose to become the joint sponsor, you must meet all sponsorship requirements separately, including the minimum income requirements for your household, and must be willing to assume, along with the petitioner, financial liability for the sponsored immigrant.

All sponsors must be U.S. citizens or permanent residents, be at least 18, and be living in the United States (including territories and possessions) when they file the affidavit of support.

When and how do I file the Affidavit of Support?

You do not need to file Form I-864 with the relative petition. When the person reaches the head of the line to immigrate based on your I-130 petition (which often will be years after the petition was filed), he or she will have to submit the affidavit of support with an application for an immigrant visa or to adjust status to permanent resident. At that time, just follow the instructions for the affidavit and submit all the necessary supporting documents with the immigrant visa application or application for permanent residence.

Do I need to notify USCIS if I move?

If you financially sponsor someone, you are legally required to keep USCIS informed of your address until your financial responsibility ends. If you change your address, you will need to file Form I-865, *Sponsor's Notice of Change of Address*, within 30 days after the date you move. Please read the instructions on the form carefully.

What if a person I financially sponsor only gets public benefits after becoming a permanent resident?

If a sponsor does not provide basic support to the immigrants as agreed, the sponsored immigrant or the Federal or State agency that gave the benefits to the family members can seek reimbursement of the funds through legal action against the sponsor.

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When does my financial responsibility end?

An affidavit of support is enforceable against the sponsor until the person they sponsored either:

- Becomes a U.S. citizen; or
- Is credited with 40 quarters of work in the U.S. (usually 10 years); or
- Leaves the United States permanently; or
- Passes away.

Should I file Form I-864 or Form I-134? What is the difference?

If the beneficiary is seeking admission or adjustment as a permanent resident based on immediate relative status, is another family-based immigrant, or is seeking admission based on certain categories of employment-based immigration, Form I-864 is the appropriate form to file. Form I-134 may be used in any case where the beneficiary is inadmissible on public charge grounds but is not required to have an I-864 filed on his/her behalf. Do NOT use Form I-134 if the person you are sponsoring is required to have form I-864 instead. Please refer to the instructions of the primary petition and carefully follow them. The instructions will make clear which form needs to be filed.

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Priority Dates

- What is a priority date?
- How do priority dates work?
- What establishes a priority date?
- How do priority dates work for categories that do not have numerical limits on how many people can immigrate?
- Are priority dates used for the Diversity Visa Lottery?
- What priority dates are being processed now?
- Why do priority cut-off dates often differ by country?
- Does a priority cut-off date mean that everyone with an earlier priority date has already completed processing?
- What happens when my priority date is reached?
- Once the priority date becomes current, and the beneficiary is an unmarried son or daughter who can still meet the definition of child under the Child Status Protection Act (CSPA), what is the time limit on the filing period for an immigrant visa or application for permanent resident for the unmarried son or daughter of a permanent resident before they lose this benefit?
- Do priority cut-off dates move forward at a steady rate?
- Can you estimate how long it may be before a priority cut-off date will be reached?
- Is there a way for a person to immigrate sooner instead of waiting for a priority date to be available?
- Can I automatically get priority cut-off date information in the future?
- Can I get priority cut-off date information for prior months?
- I am a green card holder and I petitioned for my child when the visa bulletin was "current." Is my child eligible to receive a retroactive visa benefit?
- How often do the family-based visa categories become current?

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Priority dates

What is a priority date?

Priority dates are numerical limitations (preference) assigned to eligible applicants seeking to immigrate to the United States. This is solely due to the maximum number of visas issued per fiscal year that are divided into family sponsored, employment based, and diversity immigration.

Note: Fiscal year is from October 1 through September 30.

In most immigrant categories, the law limits how many people can immigrate each year. Often the demand to immigrate is greater than the limit allowed per year.

Priority dates are used to make sure that each eligible person within an immigrant category is considered in chronological order. In other words, a priority date is the person's place in line to immigrate.

How do priority dates work?

If your immigrant visa category is that of an immediate relative, your case and priority date is automatically current.

If your immigrant visa category is one of the family sponsored or employment based categories, a waiting list has been established based on your priority date. The priority cut-off dates are established by the Department of State Visa Office to determine when your petition will be reached for continued processing. The petition can only become current, and thus ready for further processing, when the priority cut-off date for your category has advanced up to your priority date.

How do priority dates work for categories that do not have numerical limits on how many people can immigrate?

For immigrant visa categories with no numerical limit, such as immediate relatives of a United States citizen, the priority date simply helps ensure chronological processing.

When the immigrant petition is approved for a person outside of the United States, USCIS automatically forwards the approved petition to the Department of State National Visa Center.

After the Department of State National Visa Center completes initial visa processing, it will send a packet of forms to the petition beneficiary for completion and submission to the United States Consulate or Embassy.

If the petition beneficiary is already in the United States, he or she may be eligible to apply for permanent resident status in the United States.

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What establishes a priority date?

For most immigrant visa categories, the priority date is the date the approved petition was received by USCIS. This date should be shown on the approval notice that USCIS sends to the person or company that filed the petition.

Are priority dates used for the Diversity Visa Lottery?

Priority dates are not used for the Diversity Visa Lottery. Each year the Department of State opens a registration period for the Diversity Visa Lottery for a designated year. The registration number is based on the country the person is from and the specific date and time of registration. The registration number is only good for the Diversity Visa Lottery program for that designated year. If a person does not receive an immigrant visa through the Diversity Visa Lottery for that designated year, he or she can register again during the next open period for the next designated Diversity Visa Lottery.

What priority dates are being processed now?

Check the U.S. Department of State's visa availability bulletin. Beginning with the October 2015 visa bulletin, the Department of State will publish two charts:

- An "Application Final Action Dates" chart, and
- A "Dates for Filing Visa Applications" chart.

Unless otherwise indicated in the visa bulletin, individuals seeking to file applications for adjustment of status must use the "Application Final Action Dates" charts for determining when they can file an application for adjustment. When USCIS determines that there are more immigrant visas available for the fiscal year than there are known applicants for such visas, the bulletin will indicate that applicants may instead use the "Dates for Filing Visa Applications" charts.

Applicants for immigrant visas who have a priority date earlier than the cut-off date in the "Dates for Filing Applications" chart may assemble and submit required documents to the Department of State's National Visa Center, following receipt of notification from the National Visa Center containing detailed instructions.

Why do priority cut-off dates often differ by country?

Priority cut-off dates often differ by country because the law places limits on how many people from any one country can immigrate each year so people from all over the world have a chance to immigrate. This can mean that if you are from a country with a high demand to immigrate, there can be a longer waiting period.

Does a priority cut-off date mean that everyone with an earlier priority date has already completed processing?

The priority cut-off date does not mean that everyone with an earlier priority date has completed processing. The cut-off date is based on a projection of how many people will complete processing and be issued an immigrant visa or otherwise be granted permanent residence. Once the packet of forms is sent requesting all the documentation for issuance of an immigrant visa, applicants gather the documents at their own initiative and convenience.

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What happens when my priority date is reached?

For the October 2015 Visa Bulletin and future bulletins:

- Visas are available for issuance when your priority date is earlier that the cut-off date shown in the "Application Final Action Dates" chart.
- When your priority date is reached on the "Application Final Action Dates" chart and you are already in the United States, you may be eligible to adjust your status in the United States. If USCIS determines that there are more immigrant visas available for the fiscal year than there are known applicants for such visas, the "Dates for Filing Applications" chart may be used to determine when to file an adjustment of status application with USCIS. This will be indicated in the visa bulletin and at www.uscis.gov/visabulletininfo.
- If your priority date is earlier than the cut-off date in the "Dates for Filing Visa Applications" chart, the Department of State National Visa Center will send you (or your attorney/representative) a packet containing information about applications and fees for your pending immigrant visa cases.

Once the priority date becomes current, and the beneficiary is an unmarried son or daughter who can still meet the definition of child under the Child Status Protection Act (CSPA), what is the time limit on the filing period for an immigrant visa or application for permanent resident for the unmarried son or daughter of a permanent resident before they lose this benefit?

The unmarried son or daughter of a permanent resident who meets the definition of a child under the CSPA must file the immigrant visa within one year of visa availability, or they will be placed in the preference category of an unmarried son or daughter of a permanent resident who no longer meets the definition of a child under the CSPA.

Do priority cut-off dates move forward at a steady rate?

The priority cut-off dates move forward as the requests for immigrant visas are processed within a category. Fluctuations in demand can speed up or slow down the movement of priority cut-off dates, so it is natural for the rate at which a cut-off date moves to vary.

- Sometimes the priority cut-off dates can move faster than the calendar, but for many oversubscribed categories it often moves slower. The more demand, the slower the movement.
- While it is rare, sometimes a priority cut-off date can regress – which means move backward. This can happen for a variety of reasons due to fluctuations in demand and immigrant visa issuance.

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Can you estimate how long it may be before a priority cut-off date will be reached?

There are too many variables to give you a precise projection of when a priority cut-off date will be reached. If you wish, you can monitor the movement of the priority cut-off dates at the U.S. Department of State's visa bulletin.

Note to Representative: Advise the individual that we can provide this information or the information can also be accessed as follows:

- Department of State website at www.travel.state.gov and obtain the Visa Bulletin for the current month; or
- Call the visa priority line at 1-202-663-1541

Is there a way for a person to immigrate sooner instead of waiting for a priority date to be available?

Under the law, each person must be processed in chronological order.

There is no way to take a petition and expedite it ahead of others in the same immigrant visa category that has an earlier priority date.

Can I automatically get priority cut-off date information in the future?

Priority cut-off date information can be provided automatically by being placed on the Department of State's e-mail subscription list for the Visa Bulletin by providing your e-mail information to the following email address: VISABULLETIN@STATE.GOV

There are other non-automated ways to receive the visa priority cut-off date information monthly direct from the Department of State:

- ***Internet-*** Access the Department of State website at www.travel.state.gov and from the home page select "U.S. Visa" at the top of the page. On the new page, scroll down to the bottom and select "Visa Bulletin" under the "Law and Policy" section. USCIS will publish the appropriate chart on a monthly basis at uscis.gov/visabulletininfo.
- ***Fax–*** From a fax phone, dial 202-647-3000, and then follow the prompts and enter the 4-digit code listed in catalog one to have each bulletin faxed.
- ***Phone-*** The Department of State also has available a recorded message with visa cut-off dates, which can be heard at 202-663-1541. The recording is normally updated by the middle of each month with information on cut-off dates for the following month.

Can I get priority cut-off date information for prior months?

The Department of State is responsible for administering the numerical limitations on visa issuance. For an archive of priority cut-off dates for earlier months, access the Department of State Bureau of Consular Affairs website at www.travel.state.gov.

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I am a green card holder and I petitioned for my child when the visa bulletin was "current." Is my child eligible to receive a retroactive visa benefit?

No. The U.S. Department of State determines the monthly cut-off for available visas and the dates change; they often move forward but sometimes they retrogress. You will have to wait until your priority date is earlier than the visa bulletin cut-off date.

How often do the family-based visa categories become current?

The U.S. Department of State determines the availability of visas and provides a monthly updated visa bulletin. In some categories, the wait can be many years. To view the updated visa bulletin, please visit the U.S. Department of State's website at www.travel.state.gov/content/visas/english.html and select the "visa bulletin" link near the bottom of the webpage.

Back to: Info on Other Benefits and Services Services for Permanent Residents and Naturalization Main Menu

Chapter 7 Information about Same-sex Marriage

FAQs about Same-sex Marriage

Petitioning for my Spouse

- I am a U.S. citizen or lawful permanent resident in a same-sex marriage to a foreign national. Can I now sponsor my spouse for a family-based immigrant visa?
- I am a U.S. citizen who is engaged to be married to a foreign national of the same sex. Can I file a fiancé or fiancée petition for him or her?
- My spouse and I were married in a U.S. state that recognizes same-sex marriage, but we live in a state that does not. Can I file an immigrant visa petition for my spouse?

Applying for Benefits

- Do I have to wait until USCIS issues new regulations, guidance or forms to apply for benefits based upon the Supreme Court decision in *Windsor*?
- My Form I-130, or other petition or application, was denied solely because of DOMA. What should I do?

Changes in Eligibility Based on Same Sex

- What about immigration benefits other than for immediate relatives, family-preference immigrants, and fiancés or fiancées? In cases where the immigration laws condition the benefit on the existence of a "marriage" or on one's status as a "spouse," will same-sex marriages qualify as marriages for purposes of these benefits?
- If I am seeking admission under a program that requires me to be a "child," a "son or daughter," a "parent," or a "brother or sister" of a U.S. citizen or of a lawful permanent resident alien, could a same-sex marriage affect my eligibility?

FAQ's continue on the next page

Back to: Services for Permanent Residents and Naturalization Main Menu

Residency Requirements

- Can same-sex marriages, like opposite-sex marriages, reduce the residence period required for naturalization?

Inadmissibility Waivers

- I know that the immigration laws allow discretionary waivers of certain inadmissibility grounds under certain circumstances. For some of those waivers, the person has to be the "spouse" or other family member of a U.S. citizen or of a lawful permanent resident. In cases where the required family relationship depends on whether the individual or the individual's parents meet the definition of "spouse," will same-sex marriages count for that purpose?

Back to: Information about Same-sex Marriage Services for Permanent Residents and Naturalization Main Menu

I am a U.S. citizen or lawful permanent resident in a same-sex marriage to a foreign national. Can I now sponsor my spouse for a family-based immigrant visa?

Yes, you can file the petition. You may file a Form I-130 (and any applicable accompanying application). Your eligibility to petition for your spouse, and your spouse's admissibility as an immigrant at the immigration visa application or adjustment of status stage, will be determined according to applicable immigration law and will not be denied as a result of the same-sex nature of your marriage.

I am a U.S. citizen who is engaged to be married to a foreign national of the same sex. Can I file a fiancé or fiancée petition for him or her?

Yes. You may file a Form I-129F. As long as all other immigration requirements are met, a same-sex engagement may allow your fiancé to enter the United States for marriage.

My spouse and I were married in a U.S. state that recognizes same-sex marriage, but we live in a state that does not. Can I file an immigrant visa petition for my spouse?

Yes. As a general matter, the law of the place where the marriage was celebrated determines whether the marriage is legally valid for immigration purposes. Just as USCIS applies all relevant laws to determine the validity of an opposite-sex marriage, we will apply all relevant laws to determine the validity of a same-sex marriage.

Do I have to wait until USCIS issues new regulations, guidance or forms to apply for benefits based upon the Supreme Court decision in *Windsor*?

No. You may apply right away for benefits for which you believe you are eligible.

Back to: Information about Same-sex Marriage Services for Permanent Residents and Naturalization Main Menu

My Form I-130, or other petition or application, was denied solely because of DOMA. What should I do?

USCIS will reopen those petitions or applications that were denied solely because of DOMA section 3. If such a case is known to us or brought to our attention, USCIS will reconsider its prior decision, as well as reopen associated applications to the extent they were also denied as a result of the denial of the Form I-130 (such as concurrently filed Forms I-485).

Once your I-130 petition is reopened, it will be considered anew—without regard to DOMA section 3—based upon the information previously submitted and any new information provided. USCIS will also concurrently reopen associated applications as may be necessary to the extent they also were denied as a result of the denial of the I-130 petition (such as concurrently filed Form I-485 applications).

Additionally, if your work authorization was denied or revoked based upon the denial of the Form I-485, the denial or revocation will be concurrently reconsidered, and a new Employment Authorization Document issued, to the extent necessary. If a decision cannot be rendered immediately on a reopened adjustment of status application, USCIS will either (1) immediately process any pending or denied application for employment authorization or (2) reopen and approve any previously revoked application for employment authorization. If USCIS has already obtained the applicant's biometric information at an Application Support Center (ASC), a new Employment Authorization Document (EAD) will be produced and delivered without any further action by the applicant. In cases where USCIS has not yet obtained the required biometric information, the applicant will be scheduled for an ASC appointment.

No fee will be required to request USCIS to consider reopening your petition or application pursuant to this procedure. In the alternative to this procedure, you may file a new petition or application to the extent provided by law and according to the form instructions including payment of applicable fees as directed.

Back to: Information about Same-sex Marriage Services for Permanent Residents and Naturalization Main Menu

What about immigration benefits other than for immediate relatives, family-preference immigrants, and fiancés or fiancées? In cases where the immigration laws condition the benefit on the existence of a "marriage" or on one's status as a "spouse," will same-sex marriages qualify as marriages for purposes of these benefits?

Yes. Under the U.S. immigration laws, eligibility for a wide range of benefits depends on the meanings of the terms "marriage" or "spouse." Examples include (but are not limited to) an alien who seeks to qualify as a spouse accompanying or following to join a family-sponsored immigrant, an employment-based immigrant, certain subcategories of nonimmigrants, or an alien who has been granted refugee status or asylum. In all of these cases, a same-sex marriage will be treated exactly the same as an opposite-sex marriage.

If I am seeking admission under a program that requires me to be a "child," a "son or daughter," a "parent," or a "brother or sister" of a U.S. citizen or of a lawful permanent resident alien, could a same-sex marriage affect my eligibility?

There are some situations in which either the individual's own marriage, or that of his or her parents, can affect whether the individual will qualify as a "child," a "son or daughter," a "parent," or a "brother or sister" of a U.S. citizen or of a lawful permanent resident. In these cases, same-sex marriages will be treated exactly the same as opposite-sex marriages.

Can same-sex marriages, like opposite-sex marriages, reduce the residence period required for naturalization?

Yes. As a general matter, naturalization requires five years of residence in the United States following admission as a lawful permanent resident. But, according to the immigration laws, naturalization is available after a required residence period of three years, if during that three year period you have been living in "marital union" with a U.S. citizen "spouse" and your spouse has been a United States citizen. For this purpose, same-sex marriages will be treated exactly the same as opposite-sex marriages.

I know that the immigration laws allow discretionary waivers of certain inadmissibility grounds under certain circumstances. For some of those waivers, the person has to be the "spouse" or other family member of a U.S. citizen or of a lawful permanent resident. In cases where the required family relationship depends on whether the individual or the individual's parents meet the definition of "spouse," will same-sex marriages count for that purpose?

Yes. Whenever the immigration laws condition eligibility for a waiver on the existence of a "marriage" or status as a "spouse," same-sex marriages will be treated exactly the same as opposite-sex marriages.

Back to: Information about Same-sex Marriage Services for Permanent Residents and Naturalization Main Menu

Permanent Residents who work for Foreign Governments or International Organizations in the U.S.

Waiver of Rights, Privileges, Exemptions and Immunities (Under Section 247(b) of the INA)

Purpose of Form I-508:

This form is used by lawful permanent residents, or nonimmigrants in A, G or E status who are seeking to apply for adjustment of status as permanent residents, who are working for a foreign government mission in the United States. The form primarily advises these immigrants and nonimmigrants (except French nationals who are covered by a special Convention between France and the United States) that they must waive certain diplomatic rights, privileges and immunities and pay U.S. income taxes on their salaries from their foreign governments. Permanent residents in such situations who do not pay their taxes may be adjusted to A, G or E status; nonimmigrants in A, G or E status may be unable to adjust status as permanent residents. If you also require Form I-508F because you are a French national, you may obtain the form by calling 1-800-870-3676.

The INA section 247 requires a Lawful Permanent Resident (LPR) working in a job that could be classified as a A, G, or E to file Form I-508, Waiver of Rights, Privileges, Exemptions, and Immunities. The LPR may have gained the LPR status through marriage, employment or derived that status. But if they are working in an embassy, consulate or international organization in a job that is classified as an A, G, or E, they must file the I-508 and pay US taxes. (This does not mean the person has an A, G, or E visa, but the job is classified as such.)

Back to: Services for Permanent Residents and Naturalization Main Menu

CSR Transfer Statement:

Due to a high volume of calls, we would be happy to take some information from you and refer your inquiry to a USCIS officer to research and respond.

Note to Representative:

- Go to SRMT and take a service request.
  - The Service Request Type will be based on the Transfer Reason
  - In the comments block, state the specific information that the customer is seeking and a brief reason why he or she needed the call escalated.
  - Ensure the caller is within the "acceptable caller type" before taking the service request.
  - Complete the service request and use the routing override capability to select **WKD** as the office for the service request to route to Tier 2.
  - Provide the customer with the referral ID number
  - Advise the customer that a USCIS officer will research their inquiry and contact them within 3 to 5 business days.

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In order to ensure customer privacy and security as well as data integrity, we may only take information regarding cases from the following individuals:

- The applicant/petitioner (The person who signed the application or petition in question)
- Authorized Officer or Employee of Petitioning Company or Organization
- A translator (Only if the applicant/petitioner is present)
- An attorney who claims to have a G-28 on file for the petitioner/applicant OR a paralegal from that attorney's office/firm (ask if the attorney has a G-28 on file).
- A Community-Based Organization (CBO) who is representing the applicant/petitioner and who has a G-28 on file (ask if the CBO has a G-28 on file).
- A parent of an applicant/petitioner who is under age 18.
- A legal guardian of an applicant or petitioner.
- An adult caregiver of the applicant or petitioner (Such as a nurse caring for an elderly or disabled person – if the applicant or petitioner is physically able to speak on the phone, his/her presence should at least be confirmed. If physically unable to speak on the phone , continue as if the caregiver were the applicant/petitioner)

Confirm that the caller meets at least one of the above listed requirements before taking a Service Request. If the caller is not within one of the acceptable caller types listed above, we will not be able to take a service request from the caller.

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What information are you seeking? (Choose one below)

I am interested in a benefit or information not shown above (please see information based on benefit on page 7 of the "Where to Start" menu).

Back to: Main Menu

Chapter 1 Services for students and those interested in studying in the U.S.

OVERVIEW

In general, if you are interested in going to school in the U.S., we recommend that you first contact the academic or vocational school you are interested in attending. The school can tell you if it is authorized to enroll nonimmigrant students, and can describe its academic and financial requirements, as well as the immigration process to become a nonimmigrant student.

- Once an approved school accepts you, contact USCIS again for information about getting nonimmigrant student status to attend the approved school that has accepted you for enrollment.

If you are currently in a valid nonimmigrant status and are interested in attending school, please choose the status you currently hold from the chart below.

A	B	C1	C2	C3	D	E	F	G	H1B	H2A	H2B	H3	H4
I	J	K1, K2	K3, K4	L	M	NATO	O	P1	P2	P3	P4	Q1	
R	S/U	T	TN1, TD		TN2, TD		TWOV	U	V	WB, WT			

Back to: Nonimmigrant Categories General Nonimmigrant Information Nonimmigrant Services Main Menu

Chapter 2 Extending your Stay in your current Nonimmigrant status or Changing to another Nonimmigrant Status

OVERVIEW

In general, if you were admitted as a nonimmigrant, you may be able to apply to extend your stay in that nonimmigrant category or change to another nonimmigrant category. However, there are a number of requirements, and these services are not available to all nonimmigrant categories or in all circumstances.

CSR/IIO prompt – Are you interested in extending your stay in your current nonimmigrant status, or in changing from one nonimmigrant status to another?

- Extending your stay in your current Nonimmigrant status
- Changing to another Nonimmigrant Status

Back to: Nonimmigrant Categories Main Menu

Chapter 2	Extending your Stay in your current Nonimmigrant status or Changing to another Nonimmigrant Status
Unit 1	Extending your Stay in your current Nonimmigrant status

OVERVIEW

In certain circumstances, a nonimmigrant can apply for and receive an extension of stay. However, there are a number of requirements, and an extension of stay is not available to all nonimmigrant categories or in all circumstances.

To extend your stay as a nonimmigrant worker, for most nonimmigrant categories the employer must file Form I-129; other nonimmigrant catetories and all dependents must use Form I-539.

Frequently Asked Questions about eligibility

- Can I extend my nonimmigrant stay?
- Can I get an extension if my authorized stay or visa has expired or is about to expire?
- What if I file on time for an extension, but I leave the United States before USCIS makes a decision on my application?
- How do I know my status and how long I can stay? *Link to 4.4.1.4, unit 1*
- What are the terms and conditions of the various nonimmigrant categories? *Link to 4.4.1.4, unit 2*
- What if I file on time but USCIS doesn't make a decision before my I-94 expires?
- What if I have other questions about eligibility?

FAQs about how to apply

- What form should I use to apply? Can family members file together on one application?
- Can I file electronically using ELIS?

Back to: Nonimmigrant Categories Main Menu

Can I extend my nonimmigrant stay?

You may be eligible to extend your stay **if** you meet the following requirements:

1. You were lawfully admitted into the U.S. as a nonimmigrant;

2. The expiration date on your I-94 has not yet been reached (you can access your I-94 from the U.S. Customs and Border Protection website at www.cbp.gov/I94);

3. You have complied with all the terms and conditions of your status;
   Note to Representative: Information about the terms and conditions of nonimmigrant categories

4. You have complied with all U.S. laws during your stay in the U.S. and have not committed any act that would make you ineligible to receive an immigration-related benefit;

5. You intend to continue doing the same types of activities for which you were originally admitted and intend to return to live abroad once your status ends.

If you meet each of these requirements, you may wish to apply to have your stay in your current status extended. The form you will use to apply depends on your current status. Information about which form to use to extend your stay

EXCEPTIONS: While most nonimmigrants may be granted an extension of stay if the appropriate conditions are met, **the following nonimmigrant categories are never eligible for an extension of stay:**

Nonimmigrant Category	
C1 C2 C3	Persons transiting the U.S.
D	Crewmembers
K1 or **K2**	A Fiancé (e) of a U.S. Citizen and their dependents
S	Informants
TWOV	Transit without Visa
WB or **WT**	Though visitors under the Visa Waiver Program are not eligible for an extension of stay, they may be eligible for a grant of satisfactory departure in the event of an emergency situation. Information about satisfactory departure
PAROLEE	A person temporarily paroled into the U.S. would not apply for an extension of stay; rather, a parolee may need to re-apply for parole status. Information about the types of parole

Back to: Extending your stay in your current status Nonimmigrant Services Main Menu

Can I get an extension if my authorized stay or visa has expired or is about to expire?

- **If your stay as shown on your stamped passport or your I-94 arrival-departure document has already expired –** While anyone can file an application, we usually will not grant an extension of stay.
  - If you believe compelling unforeseen circumstances beyond your control prevented you from filing on time, explain them in your application and include any documents to support your claim.

- **If your stay as shown on your stamped passport or your I-94 is about to expire -** Make sure you file your application in time for us to receive it before your status expires. The application is available on our website at www.uscis.gov/I-539.

- **If you are concerned about your visa expiring -** It simply lets you come to the U.S. to apply to enter. Your visa doesn't control the length of your stay. The period for which you can stay was determined when you are admitted to the U.S. You will usually find that information on the Form I-94. You can access your I-94 from the U.S. Customs and Border Protection website at www.cbp.gov/I94.

What if I file on time for an extension, but I leave the U.S. before USCIS makes a decision on my application?

If you leave the U.S. before a decision is made on your application to extend and you plan to return to the U.S. in the future, please keep a copy of your application plus the receipt notice to show to the Immigration Inspector on your return travel to the U.S. Otherwise, you may be denied entry for overstaying on your last visit.

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What if I file on time but USCIS doesn't make a decision before my I-94 expires?

Your lawful nonimmigrant status ends, and you are out of status, when your admission stamp date or your Form I-94 expires, *even if* you have timely applied to extend the period of your nonimmigrant status. DHS may bring a removal proceeding against you, even if you have an extension application pending.

As a matter of discretion, however, DHS may defer bringing a removal proceeding against you until after USCIS decides your application for an extension of your nonimmigrant status. Also, while you are not actually in a lawful nonimmigrant status, you do not accrue "unlawful presence" for purposes of inadmissibility under section 212(a)(9)(B) of the Act, while your extension application is pending.

Although you are out of status, you are permitted to continue your previously authorized employment for a maximum period of 240 days while your extension application is pending *if* USCIS receives your application before your Form I-94 expires, *and* you have not violated the terms of your nonimmigrant status. You must stop working, *immediately,* when the first of the following events occurs:

- 240 days elapse from the date your nonimmigrant status expires; or
- USCIS has made a final decision denying your extension application.

If your application is approved, the approval will relate back to the expiration date shown on your admission stamp or the date your Form I-94 expired, and your status during the pendency of your application will then be considered to have been lawful.

If your application is denied, you must cease employment immediately and you must *depart the United States immediately.* In addition, any nonimmigrant visa in your passport granted in connection with your classification becomes void. Once your visa is void, you must submit any new visa application at a U.S. consulate in your home country (not a third country, except in rare instances as determined by the U.S. Department of State).

Back to: Extending your stay in your current status Nonimmigrant Services Main Menu

What if I have other questions about eligibility?

We recommend you first get the application form and read the instructions.

- On our website you can download the form, instructions and a fact sheet on extending your stay, or
- We can take your form order now and have the form mailed to you.

For questions about eligibility, customers can directly research rules and requirements on our website at www.uscis.gov/laws

If, after you read the instructions, you have questions about filing procedures or about what to file with your application, please check our website or call us.

- But please understand that we cannot give you advice about eligibility or whether to apply for a benefit. We also cannot analyze a situation in advance and tell you before you file whether you are eligible or whether your application can be approved.

What form should I use to apply? Can family members file together on one application?

The answers depend on the nonimmigrant status. Is your current status within any of the following nonimmigrant categories?

E	H	L	O	P	Q	R	TN

If **YES –**

- **Your employer must file Form I-129, Petition for a Nonimmigrant Worker.**
  - Please note: I-129 petitions for certain kinds of workers require labor certification from the U.S. Department of Labor or other documents. Employers should carefully read the instructions and take into account the time needed to obtain the materials that must be filed with the application.
- **Dependents cannot be included in the I-129.** The worker's husband or wife and their unmarried children under 21 who are here as nonimmigrants in the related dependent category can use Form I-539 to apply to extend their stay to remain with the worker.
  - We recommend filing the I-539 with the I-129 petition for the worker.
  - The worker's husband or wife, and unmarried children under 21 can together file a single I-539 if they are all requesting an extension to the same date.

If **NO –** you have a different nonimmigrant status. Use Form I-539 to apply. A husband, wife and their unmarried children under 21 can file a single I-539 together if:

- they each have the same nonimmigrant status, or if the principal holds one status and the rest of the family hold dependent nonimmigrant status, and all want an extension to the same date.

For more information about one of these applications, such as filing fee, how to get the form, and other basics before you get the form, click on the type of application that you are interested in: I-129 I-539

Can I file electronically using ELIS?

Form I-539, Application To Extend/Change Nonimmigrant Status, is currently unavailable in ELIS.

I am visiting under the Visa Waiver Program, but I can't leave as scheduled due to an emergency. Is there anything I can do to extend my stay?

If you have been admitted under the Visa Waiver Program and an emergency is preventing you from departing the United States within your period of authorized stay, you may request that USCIS grant you a period of satisfactory departure. A grant of satisfactory departure cannot exceed 30-days. If you are granted satisfactory departure, and leave within the window of time allotted, you will be regarded as having satisfactorily accomplished your visit in the United States without overstaying your period of authorized stay. If you are visiting under the Visa Waiver Program and do not qualify for a grant of satisfactory departure, you may not stay in the United States beyond the initial 90-days for which you were authorized.

What types of emergencies would qualify me for a grant of satisfactory departure?

Satisfactory departure is granted only in limited cases and for serious emergencies, such as hospitalization, or conditions that cause flights to be delayed or cancelled for more than 24 hours (weather, worker strikes, etc.). Otherwise, people visiting under the Visa Waiver Program may not stay beyond their initial 90-days.

How do I apply for a grant of satisfactory departure?

To apply for a grant of satisfactory departure, an InfoPass appointment would need to be made with the local USCIS office having jurisdiction over the place of temporary stay. At the appointment, any available evidence of the emergency situation would be presented.

Back to: Extending your stay in your current status Nonimmigrant Services Main Menu

Chapter 2	Extending your Stay in your current Nonimmigrant status or Changing to another Nonimmigrant Status
Unit 2	Changing to another Nonimmigrant Status

OVERVIEW

In general, if you were admitted as a nonimmigrant, you may be able to apply to change to another nonimmigrant status. However, there are a number of requirements, and a change of status is not available to all nonimmigrant categories or in all circumstances. Typically, you must show that something changed your plans after you entered to be eligible.

To change status to a nonimmigrant worker, usually the employer must file Form I-129; for other change of status requests, use Form I-539.

Frequently Asked Questions about eligibility

- Can I change to another nonimmigrant status?
- Can I get a change of status if my authorized stay or visa has expired or is about to expire?
- How do I know my status and how long I can stay?
- What are the terms and conditions of the various nonimmigrant categories?
- What if I file on time but USCIS doesn't make a decision before my I-94 expires?
- When can I start to engage in the activities that my new status will authorize?
- Do many nonimmigrants change to another nonimmigrant status while in the U.S.?
- If my application is approved, will I be able to leave the U.S. and return to my new status?
- What if I have other questions about eligibility?

FAQs about how to apply

- What form should I use to apply? Can family members file together on one application?
- Can I file electronically using ELIS?

Back to: Nonimmigrant Services Main Menu

Can I change to another nonimmigrant status?

There are 8 basic questions that you can ask yourself to see if you may be eligible TO CHANGE your current nonimmigrant status to another nonimmigrant status.

1. **Do you have proof of your admission to the U.S. as a nonimmigrant?**
   - Proof of admission to the U.S. as a nonimmigrant can be found on your I-94 which can be obtained from the U.S. Customs and Border Protection website at www.cbp.gov/I94.
   - If you entered the U.S. as a nonimmigrant from Canada and have proof of your admission, you may be eligible to change to another nonimmigrant status.
2. **Does your current nonimmigrant status allow you to change your status?** You can find your current nonimmigrant status on your I-94. While most nonimmigrants **may** be granted a change to another nonimmigrant status if other conditions are met, the following are **never eligible** to change their status:

Nonimmigrant Category	
C1 C2 C3	Persons transiting the U.S.
D	Crewmembers
K1 or **K2**	A Fiancé (e) of a U.S. Citizen and their dependents
S	Informants
TWOV	Transit without Visa
WB or **WT**	A Visitor here temporarily under the Visa Waiver Program
PAROLEE	A person temporarily paroled into the U.S. because he or she is not a nonimmigrant.

3. **Does the immigrant status you want to change to allow for such change?** Just as you cannot change status from any of the categories listed above, you **cannot** change status to those categories.
   - Change of status is not common, but the most common requests are to change to a nonimmigrant student or to a nonimmigrant worker.
4. **Have you completed any required preliminary steps to change to your desired nonimmigrant status?** In many circumstances, you must take steps before you apply to change your status, or separate applications must be filed with your request to change status. For example, to become an academic or vocational student –
   - you must first be accepted by a U.S. school that is authorized to accept nonimmigrant students;
   - the school will then issue you an I-20 enrollment document;
   - then you must file an I-901 and pay the nonimmigrant student fee;
   - when you get your receipt showing that you have paid that fee, then you can apply to change your status.

   Information about required preliminary steps for various nonimmigrant categories

Continued on next page

5. **Is your I-94 still valid (unexpired) – not your visa, but your I-94?**
   If **no**, then you are usually **not** eligible to change to another nonimmigrant status. There are limited exceptions as follows:
   - The delay was due to extraordinary circumstances beyond your control;
   - The length of the delay was reasonable;
   - You have not otherwise violated your status;
   - You are still a bona fide nonimmigrant; and
   - You are not in removal proceedings.
6. **To your knowledge, have you complied with all the terms and conditions of your status?** For example, not working or going to school here unless your current status authorized it, and not committing a crime since you came to the U.S.?
   - If **no –** which means that you have **not** complied with all the terms of your status, you are **not** eligible to change to another nonimmigrant status.
   - Information about the terms and conditions of a nonimmigrant category
7. **Have you complied with all the laws of the U.S. since you entered?**
   - If **no –** which means you have committed a crime or broken a law, then you are usually **not** eligible to change to another nonimmigrant status.
8. **Do you believe the reason you want to extend your stay is consistent with the purpose of your status?** For example, do you still intend to return to live abroad when your status ends? Do you still intend to comply with all the terms of your nonimmigrant status and have the means to support yourself if your nonimmigrant status does not authorize working here?
   - If **no**, we will **not** change your status.

If you answered YES to each question, then you may be eligible to change to another nonimmigrant status. The form you will use to apply depends on the status for which you will be applying. Information about which form to use to change to another status

Can I get a change of status if my authorized stay or visa has expired or is about to expire?

- **If your stay shown on your stamped passport or your I-94 has already expired –** While anyone can file an application, we usually will not grant a change of status.
  - If you believe compelling unforeseen circumstances beyond your control prevented you from filing on time, explain them in your application and include any documents that support your claim.
- **If your stay shown on your stamped passport or your I-94 is about to expire -** Make sure you file your application in time for us to receive it before your status expires. The application is available on our website at www.uscis.gov/I-539.
- **If you are concerned about your visa expiring –** A visa simply let you come to the U.S. to apply to enter. Your visa doesn't control the length of your stay. The period for which you can stay was determined when you were admitted to the U.S. You will usually find this information on your Form I-94. You can access your I-94 from the U.S. Customs and Border Protection website at www.cbp.gov/I94.

Back to: Changing to another Nonimmigrant Status Nonimmigrant Services Main Menu

What if I file on time but USCIS doesn't make a decision before my I-94 expires?

- **If we receive your application before your nonimmigrant status expires** (or, in exceptional cases, we excuse filing after your status expires due to circumstance beyond your control), and if you have not violated the terms of your status and meet the basic eligibility requirements, you may remain in the U.S. until we make a decision on your application.
  Further, once your original nonimmigrant status expires, even though you will generally be allowed to remain in the U.S. while your extension of stay application is pending, you will not be deemed to be in any new nonimmigrant status until such time as we may approve your change of status application. Therefore, you may not be able to engage in employment during this period even if your original nonimmigrant status would have allowed you to do so.

- **If we deny your change of status application**, you will be considered to have been "out of status" for the entire period following the expiration of your original nonimmigrant status and will be required to depart from the U.S. immediately upon notification of such denial of status.

When can I start to engage in the activities that my new status will authorize?

Until we grant you a change of status, you must comply with all the terms and conditions of your current status until we approve your application. In the meantime, if you do things that your current status doesn't authorize, such as going to school or starting work, you will violate the terms and conditions of your status and will not be eligible for a change of status.

Do many nonimmigrants change to another nonimmigrant status while in the U.S.?

Relatively few nonimmigrants change status. A nonimmigrant must show why they are coming to the U.S. when they apply for a visa and again when they apply to enter the U.S. Thus change of status is limited to where there has been a significant change of plans at some point after the person entered the U.S.

Of the small volume of change of status requests, the most common is for a prospective student who enters as a tourist to find a school and apply to change of status based on becoming a full-time student.

If my application is approved, will I be able to leave the U.S. and return to my new status?

Typically, while you are abroad you will need to apply for a new visa for your new nonimmigrant category. You cannot return using your old visa.

Back to: Changing to another Nonimmigrant Status Nonimmigrant Services Main Menu

What if I have other questions about eligibility?

We recommend you first get the application form and read the instructions.

- On our website you can download the form, instructions and a fact sheet on changing nonimmigrant status while in the U.S., or
- We can take your form order now and have the form mailed to you.

For questions about eligibility, customers can also directly research rules and requirements on our website at www.uscis.gov/laws

If, after you read the instructions, you have questions about filing procedures or about what to file with your application, please check our website at www.uscis.gov. But please understand that we cannot give you advice about eligibility or whether to apply for a benefit. We also cannot analyze a situation in advance and tell you before you file whether you are eligible or whether your application can be approved.

What form should I use to apply? Can family members file together on one application?

The answers depend on the nonimmigrant status. Is the request to change to any of the following categories?

E	H	L	O	P	Q	R	TN

If **YES –The employer must file a Form I-129 Petition for a Nonimmigrant Worker.**

- Please note: I-129 petitions for certain kinds of workers require labor certification from the U.S. Department of Labor or other documents. Employers should carefully read the instructions and take into account the time needed to obtain the materials that must be filed with the application.
- **Dependents cannot be included in the I-129.** The worker's husband or wife and their unmarried children under 21 who are here as nonimmigrants in the related dependent category can use form I-539 to apply to extend their stay to remain with the worker.
  - We recommend filing the I-539 with the I-129 petition for the worker.
  - The worker's husband or wife, and unmarried children under 21 can file a single I-539 if they are all requesting a change from the same status to another "same" status.

If **NO –** Means you have another nonimmigrant status and should use Form I-539 to apply. A husband, wife and their unmarried children under 21 can file a single I-539 together if:

- They each have the same nonimmigrant status, or if the principal holds one status and the rest of the family hold dependent nonimmigrant status, and
- All want to change to the same status for the same length of time.

For more information about one of these applications, such as filing fee, how to get the form, and other basics before you get the form, click on the type of application that you are interested in:

I-129 I-539

Can I file electronically using ELIS?

Form I-539, Application To Extend/Change Nonimmigrant Status, is currently unavailable in ELIS.

Chapter 3 Information about employment and Social Security cards for nonimmigrants

OVERVIEW

Social security numbers are used for a variety of purposes, such as for the individual's taxpayer i.d. number, for bank and other financial accounts, and as Social Security and Medicare account numbers.

Anyone in the U.S. can get a Social Security card. There are basically three kinds of cards.

- A person authorized to live in the U.S. permanently or indefinitely, such as a U.S. citizen or permanent resident can receive an unrestricted Social Security card.
- A person authorized to work for a temporary period of time, either for a specific employer or for any employer, can receive a restricted Social Security card.
- A person not eligible to work can apply for a non-working Social Security card, to open bank and other financial accounts, and to have a taxpayer i.d. number.

The big difference between the unrestricted and restricted cards is that a person with a restricted card must show an employer a document that authorizes employment when applying for a job in the U.S. unless the employer has already been notified it can hire the worker by our approving its I-129 petition.

CSR/IIO prompt – I understand you have questions about employment and social security cards for nonimmigrants. How can I help you with that?

Frequently Asked Questions

- I am a nonimmigrant. Can I work in the U.S.?
- How can I apply for a Social Security card?
- Do I always have to prove to an employer that I am authorized to work?

Back to: Info about employment and social security cards for nonimmigrants Nonimmigrant Services Main Menu

I am a nonimmigrant. Can I work in the U.S.?

The answer depends on your nonimmigrant status. Most nonimmigrant categories do not authorize employment. Some authorize specific kinds of employment, often with a particular employer.

For information about the terms and conditions of your nonimmigrant status and whether you can get employment authorization in the U.S., click on your category below:

A	B	C1	C2	C3	D	E	F	G	H1B	H2A	H2B	H3	H4
I	J	K1, K2	K3, K4	L	M	NATO	O	P1	P2	P3	P4	Q1	R
S	T	TN1, TD	TN2, TD		TWOV	U	V	WB, WT	N8, N9		MICRONESIA & MARSHALL ISLANDS CITIZENS		

How can I apply for a Social Security card?

For information, we suggest you contact the Social Security Administration directly.

- Social Security is on the internet at www.ssa.gov
- or you can call them at 1-800-772-1213

Do I always have to prove to an employer that I am authorized to work?

An employer must verify that a person is eligible to work in the U.S. before hiring the person. That means the job applicant must show documents to the employer that he or she is authorized to work.

Most nonimmigrants cannot work in the U.S. If you are authorized to work as a nonimmigrant, you must prove it to the employer. That means you will have to show an Employment Authorization Document (a card issued when we authorize employment).

There is one exception to this rule: If we approved an I-129 petition filed by the employer, we notified the employer that it can employ you as described in the I-129 after you obtain the associated nonimmigrant status. The approval notice is evidence that you are authorized to work, and you do not need a separate employment authorization document to show to that employer. In such an instance, you are only authorized to work for that specific employer, and thus we do not issue you any other form of employment authorization.

Back to: Info about employment and social security cards for nonimmigrants Nonimmigrant Services Main Menu

Chapter 4 General Nonimmigrant Information

CSR/IIO prompt – I understand you have some questions about nonimmigrant status and services. How can I help you with that?

- Knowing your current status: I-94 issues -
  - How you can determine the nonimmigrant status you were given and how long you were authorized to stay when you were admitted.
  - Questions about your I-94 arrival-departure record.
  - The difference between a visa and status.
  - Parolees and parole, into the U.S.
  - The effect of unlawful presence.
- Information about the various nonimmigrant categories
- Passport and Nonimmigrant Visa Requirements, Visa Alternatives, the Visa Waiver Program, Border Crossing Cards and Global Entry
- Information about the nonimmigrant student fee
- Certification Requirement for Foreign Health Care workers

Back to: Nonimmigrant Services Main Menu

Chapter 4	General Nonimmigrant Information
Unit 1	Knowing your current status and I-94 issues

OVERVIEW

A **visa** is issued by a U.S. consulate or embassy. It allows the person to travel to the U.S. and apply for entry in that nonimmigrant category. The visa is valid for a certain length of time, and the customer may use it to apply for entry while the visa is valid. Having a visa does not guarantee the person will be admitted into the U.S..

A **multiple entry visa** is simply a visa that can be used repeatedly to enter the U.S.

A person who is admitted is granted a particular **status** based on the visa and is admitted for a specific period of time. U.S. Customs and Border Protection (CBP) has automated the Form I-94. With the automation of the I-94, a paper I-94 is no longer issued to nonimmigrants entering the U.S. An electronic I-94 is generated instead and, if needed, can be accessed on the CBP website: www.cbp.gov/I94.

The I-94 record shows the nonimmigrant category or other status in which the nonimmigrant was admitted and how long the nonimmigrant is authorized to stay. The admisstion period often does not match the validity of the visa because the visa serves a different purpose. A person who violates immigration law can face penalties, including being required to remain abroad for a length of time before being able to return to the U.S., even after they otherwise become eligible for a status.

Frequently Asked Questions

- What is I-94 Automation?
- Does CBP still issue paper I-94 forms to travelers now that the I-94 automation has begun?
- What is the purpose of the tear sheets CBP gives to all travelers entering the United States through air and sea ports of entry?
- Does the I-94 automation affect all ports of entry, including land, air and sea?
- How does I-94 automation impact international travelers' entry into the United States?
- Will CBP provide a traveler with any documentation or evidence showing status and time allowed in the United States?
- How long will the I-94 website where I can access my I-94 be available? Is it permanent?
- Where can I get more information about the automation of Form I-94?
- How can I determine what my current status is and how long I can stay?
- Does this I-94 automation process impact Canadians crossing the land border into the United States?
- Why do the visa and the I-94 have different validity dates?
- How do I determine how long I am allowed to stay in the United States?
- What is a multiple entry visa?
- Can I travel overseas and then return to my status?

FAQs continue on next page

- What is the USCIS role in terms of my status and immigration procedures?
- How can I get my I-94 corrected?
- If I lose the I-94 form, will the automated process help CBP to obtain travel information or will I need to contact USCIS?
- What does it mean if my I-94 says "D/S" or "Duration of Status"?
- What does it mean if my I-94 says 'Paroled" or "Parolee"?
- What should I do when I leave the U.S. if I have lost my I-94?
- What should I do if I forgot to turn in my I-94 when I left the U.S.?
- What is unlawful presence? If I violate the terms and conditions of my status or have been in the U.S. without lawful status, and then leave the U.S., will I be able to come back?
- How do I change my address with USCIS?
- Will the I-94 fee at the POEs be eliminated?
- How can I revalidate a visa without an I-94?

Back to: Current status; I-94 issues General Nonimmigrant Information Nonimmigrant Services Main Menu

What is I-94 Automation?

In order to increase efficiency, reduce operating costs and streamline the admissions process, U.S. Customs and Border Protection has automated Form I-94 at air and sea ports of entry. The paper form is no longer provided to a traveler upon arrival, except in limited circumstances. The traveler will be provided with a CBP admission stamp on their travel document. If a traveler needs a copy of their I-94 (record of admission) for verification of alien registration, immigration status or employment authorization, it can be obtained from www.cbp.gov/I94.

Does CBP still issue paper I-94 forms to travelers now that the I-94 automation has begun?

No. Rather than distributing a paper Form I-94, CBP will scan a traveler's passport, generating an electronic arrival record with data elements found on the current paper Form I-94. CBP will make the electronic I-94 available at www.cbp.gov/I94. Travelers may visit this website to print their electronic I-94 number before applying for immigration or public benefits, such as a driver's license or a Social Security number.

What is the purpose of the tear sheets CBP gives to all travelers entering the United States through air and sea ports-of-entry?

The tear sheets instruct travelers on how to retrieve their electronic I-94 number from www.cbp.gov/I94.

Does the I-94 automation affect all ports of entry, including land, air and sea?

I-94 automation is in effect at air and certain sea ports of entry. A paper form I-94 is still issued at the land border ports of entry. Also, CBP continues to provide a paper Form I-94 to certain classes of aliens, such as refugees, certain asylees and parolees, and whenever CBP determines the issuance of a paper form is appropriate.

How does I-94 automation impact international travelers' entry into the United States?

I-94 automation does not impact a traveler's entry into the United States. CBP continues to create an I-94 record for all travelers previously requiring an I-94, but the paper form is created in an electronic format and not provided to the traveler. If a traveler requires the Form I-94, it will be available at www.cbp.gov/I94.

Will CBP provide a traveler with any documentation or evidence showing status and time allowed in the United States?

Yes. CBP will provide each traveler with an admission stamp that is annotated with date of admission, class of admission and admitted until date. The electronic arrival/departure record can be accessed at www.cbp.gov/I94.

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How can I determine what my current status is and how long I can stay?

CBP will provide each traveler with an admission stamp that is annotated with date of admission, class of admission and admitted until date. The electronic arrival/departure record can be accessed at www.cbp.gov/I94.

If you were issued an I-94 Arrival-Departure record when you were admitted to the U.S., take a look at the front (the side with your name). In the lower right corner it will indicate your status and the length of time for which that status was granted.

If you were granted an extension of stay or change of status or other status while here, check your I-94 or the I-797, notice of action given to you when your application was approved. It will show your status and the length of time for which that status was granted.

A Canadian or Mexican is sometimes admitted as a nonimmigrant but not given an I-94.

- A Canadian citizen admitted but not given an I-94 is admitted as a **B1** or **B2** with an authorized stay of up to 6 months.
- A Mexican citizen admitted but not given an I-94 is admitted as a **B1** or **B2** with an authorized stay of up to 3 days, and must remain within 25 miles of the land border, or, in Arizona, within 75 miles of the land border.

If you were not given an I-94, for more information about your status and length of authorized stay, we recommend you contact U.S. Customs and Border Protection, which manages the inspection, admission and exit of people from the U.S.

- Customers can directly check their website at http://www.cbp.gov or call them at **1-877-CBP-5511 (1-877-227-5511)**, Monday through Friday between 8:30 AM and 5:00 PM, Eastern Time.

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Does the I-94 automation process impact Canadians crossing the land border into the United States?

No. I-94 automation does not impact Canadians crossing the land border into the United States. I-94 automation does not affect the land borders at this time.

Why do the visa and the I-94 have different validity dates?

A visa is a stamp or label placed in a person's passport by a U.S. consulate. The visa allows the person to come to the U.S. during the validity of the visa and apply for admission under a specific nonimmigrant category. It does not guarantee that the person will be admitted. If admitted, the I-94 or the stamp on your passport indicates how long a person is actually authorized to stay in the United States.

How do I determine how long I am allowed to stay in the United States?

CBP will provide each traveler with an admission stamp that is annotated with date of admission, class of admission and admitted until date. The electronic arrival/departure record can be accessed at www.cbp.gov/I94.

If a person is admitted, they are granted a particular status based on the visa, and are admitted for a specific period of time. If the person is given an I-94 Arrival/Departure record, in the lower right corner the I-94 shows the nonimmigrant category or other status in which the person was admitted and below that, how long the person is authorized to stay. The form is typically stapled into the person's passport.

What is a multiple entry visa?

Nonimmigrant visas are either issued for a single entry or for multiple entries. Single entry visas may only be used once by the visa holder. Multiple entries visa allows the visa holder to repeatedly use the visa for entry into the US for as long as the visa remains valid.

Can I travel overseas and then return to my status?

If you were issued a paper I-94, you will turn in your I-94 when you depart the U.S. If you have a valid multiple entry visa, you can apply to reenter the U.S., just as you did when you first entered. Make sure that you have a valid passport where required. **However, if a person violates the terms and conditions of their status while here in the U.S., it can affect their ability to return.**

What is the USCIS role in terms of my status and immigration procedures?

We do not issue visas; visas are issued by the Department of State. We do not administer the process of people being admitted or leaving the U.S.; U.S. Customs & Border Protection administers that process. We also do not manage a number of programs for various nonimmigrant categories, such as diplomats, students and exchange visitors. They are administered by other agencies.

The USCIS role with respect to nonimmigrants is to handle petitions filed by employers for foreign workers, and to handle specific kinds of applications for immigration benefits, such as applications to extend stay as a nonimmigrant, and applications to change to another nonimmigrant status in the U.S.

Back to: Current status; I-94 issues General Nonimmigrant Information Nonimmigrant Services Main Menu

How can I get my I-94 corrected?

- **If we issued your I-94 as part of granting you an extension of stay or change of status -** Normally you will need to file a Form I-102 application.
  - However, if you believe the error was our mistake, then you can file an I-102 or you can make an appointment on our website to take your I-94 and evidence of the error to our nearest local office and request that we issue a corrected I-94. If we are not convinced that the error was our fault, then you will need to file an I-102 application with fee.

- **If your I-94 was issued when you entered the U.S. -** If you believe you should have received an I-94 when you entered the U.S., or if there are errors on the I-94 that was issued by U.S. Customs and Border Protection (CBP) when you entered the U.S., you will need to contact CBP, the Deferred inspection office closest to your location.
  - Customers can directly check the CBP website at www.cbp.gov or call them at **1-877-CBP-5511 (1-877-227-5511)** Monday through Friday between 8:30 AM and 5:00 PM, Eastern Time. You may bring the incorrect Form I-94 and documentation (passport and visa) to any CBP Port of Entry or Deferred Inspection Office. You may also call to make an appointment.

If I lose the I-94 form, will the automated process help CBP to obtain travel information or will I need to contact USCIS?

If you lose your paper Form I-94 and need to receive a benefit, you must contact USCIS for a replacement I-94 by using Form I-102 application. If you entered the U.S. after the I-94 was automated (April 30, 2013), the I-94 record can be accessed by visiting www.cbp.gov/I94.

What does it mean if my I-94 says "D/S" or "Duration of Status"?

Persons in certain nonimmigrant categories are admitted 'Duration of Status' or D/S. This means they can remain in the U.S. as long as they comply with all the other terms and conditions of their status.

- A person granted 'Duration of Status', who is complying with those terms and conditions, would rarely need to file an application to extend their stay as a nonimmigrant. For more details, see the information on your specific Nonimmigrant Category.

What does it mean if my I-94 says "Paroled" or "Parolee"?

It means you are permitted to remain in the U.S. temporarily until the date indicated on your I-94 Arrival-Departure record, as long as you comply with all the terms and conditions of your parole.

The most common instance for granting a parole is for a person who has a pending I-485 application for permanent residence and applies for an advance parole to leave and return to continue that application. We also issue advance paroles in limited other situations. For information, see Form I-131.

U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) also grant paroles in particular situations. If they granted you a parole and you need more information about your status, we suggest you contact them directly.

- Customers issued a parole by CBP can directly check their website at www.cbp.gov or call them at 1-877-CBP-5511 Monday through Friday between 8:30 AM and 5:00 PM, Eastern Time.
- Customers issued a parole by ICE can directly check their website at www.ice.gov.

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What should I do when I leave the U.S. if I have lost my I-94?

If you depart through an airport or seaport, you will not need to turn in your form, as CBP will receive the information electronically via the commercial carrier. If you leave across the land border, stop at the inspections station at the border and inform them that you've lost your I-94. You do not need to file an I-102 application to replace your I-94 before you leave.

What should I do if I forgot to turn in my I-94 when I left the U.S.?

If you depart through the land border and forgot to turn in the departure form, you will need to mail the form to *DHS - CBP SBU, 1084 South Laurel Road, London, KY 40744, USA.* If you depart through an airport or seaport, you will not need to turn in your form, as CBP will receive the information electronically via the commercial carrier.

What is unlawful presence? If I violate the terms and conditions of my status or have been in the U.S. without lawful status, and then leave the U.S., will I be able to come back?

Any violation of immigration law can affect your eligibility to reenter the U.S.
For example, if you have been in the U.S. for more than 180 days without lawful presence (which means you were not meeting all the terms and conditions of a lawful status accorded to you, or after you entered the U.S. illegally) you will not be able to get a visa, return to the U.S. or get status while here until you remain abroad for a specific length of time. In some instances failure to obey the law may permanently bar your return. This is true even if you have a visa, advance parole or other document, or at some point otherwise become eligible for status.

We will not make a determination of whether you may be inadmissible in advance, even if you apply for an advance parole.
The best way to ensure that you will not have a problem is to make sure you meet your commitment, and as a guest of the U.S., ensure that you fully understand the terms and conditions of your status, and do not violate them. **If you believe you may have violated your status, you may want to seek legal advice about the possible impact on your ability to reenter the U.S. in the future.**

Will the I-94 fee at the land border POEs be eliminated?

No. Automation will only be implemented at air and sea ports of entry. The fee will still be applied at the land border POEs.

How can I revalidate a visa without an I-94?

The I-94 admission record is created electronically and maintained in CBP systems. CBP will verify the I-94 electronically to re-validate an expired visa if the traveler meets the conditions of automatic revalidation. If entry occurred prior to automation (April 30, 2013), a paper form must be presented in order to comply with validation requirements. For more information about automatic revalidation go to http://www.cbp.gov/sites/default/files/documents/auto_reva_3.pdf.

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How long will the I-94 website where I can access my I-94 be available? Is it permanent?

Currently there is no specific end date for the I-94 website www.cbp.gov/I94 to access your Form I-94. The website will be available until CBP can change regulations to eliminate the I-94 requirement.

Where can I get more information about the automation of Form I-94?

For more information about the automation of Form I-94, please visit the U.S. Customs and Border Protection website at www.cbp.gov/xp/cgov/travel.

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Chapter 4	General Nonimmigrant Information
Unit 2	Information about the various nonimmigrant categories

OVERVIEW

Immigrants are people coming to live in the U.S.; nonimmigrants are admitted for a specific and temporary period of time. There are clear conditions on their stay.

There are a large variety of nonimmigrant categories, each exists for a specific purpose and has specific terms and conditions.

Frequently Asked Questions

- How can I get information about eligibility and the terms and conditions of a specific nonimmigrant category?
- How can I research various nonimmigrant categories to find something I might qualify for, or something that would let me bring a worker to the U.S. temporarily?

How can I get information about eligibility and the terms and conditions of a specific nonimmigrant category?

If you already know the letter of the nonimmigrant category, just click on the appropriate letter designation below. If you do not know the letter of the nonimmigrant category, and you want general information about each category.

A	B	C1	C2	C3	D	E	F	G	H1B	H2A	H2B	H3	H4
I	J	K1, K2	K3, K4	L	M	NATO	O	P1	P2	P3	P4	Q1	
R	S/U	T	TN1, TD		TN2, TD		TWOV	U	V	WB, WT			

Customers can also get information about these categories and visa requirements directly from the Department of State website at www.travel.state.gov.

For information about the actual process of entering and leaving the U.S., we suggest U.S. Customs and Border Protection. Their website is at www.cbp.gov.

Back to: Nonimmigrant Categories General Nonimmigrant Information Nonimmigrant Services Main Menu

How can I research various nonimmigrant categories to find something I might qualify for, or something that would let be bring a worker to the U.S. temporarily?

There are a large variety of nonimmigrant categories. Most are very specialized. Categories that authorize employment often have very specific requirements and usually limit employment to a particular employer.

To search through the variety of categories, use the table below, which clusters different categories by general purpose.

Nonimmigrant Categories	
Diplomats and Government Representatives, and their staffs	
A	Diplomatic Personnel
C2	Representative in transit to or from the United Nations Headquarters District
C3	Government Representatives in transit through the U.S.
G	Other Government Representatives
NATO	NATO personnel on assignment to the U.S.
Tourists and Visitors on business	
B	Tourists and Visitors on Business
WB	'B' nonimmigrants coming temporarily on business admitted under the Visa Waiver Program
WT	'B' nonimmigrant tourists admitted under the Visa Waiver program
Students and Exchange Visitors, and their dependents	
F	Academic Students
J	Exchange Program Visitors
M	Vocational Students
Fiancé(e)s and certain relatives of U.S. citizens and Permanent Residents	
K1/K2	Fiancé(e)s of U.S. citizens and their dependent children (also see U.S. citizen services)
K3/K4	Certain Husbands and Wives of U.S. citizens, and their dependent children
V	Certain Relatives of a Permanent Resident (LIFE Act)
Others	
C1, TWOV	Persons transiting the U.S.
S, U	Certain Informants and victims of criminal activity in the U.S.
T	Victims of Trafficking

Nonimmigrant Workers and their dependents	
D	Crewmembers
E	Treaty Traders and Treaty Investors based on a bilateral treaty, and dependents
H1B	Temporary Workers in Specialty Occupations
H2A	Temporary Agricultural Workers
H2B	Temporary skilled and unskilled workers
H3	Trainees
H4	Dependents of H1-3 workers and trainees
I	Representatives of Foreign Information Media
L	Intra-Company Transferees
O	Persons with Extraordinary Ability and their support personnel
P1	Internationally recognized Athletes and Entertainers
P2	Artists and Entertainers pursuant to Exchange Agreements
P3	Culturally Unique Artists and Entertainers
P4	Dependents of 'P' athletes, artists and entertainers
Q1	International Cultural Exchange Visitors
R	Religious Workers
TN1, TD	Canadian professionals under NAFTA (North American Free Trade Agreement)
TN2, TD	Mexican professionals under NAFTA (North American Free Trade Agreement)

Chapter 4	General Nonimmigrant Information
Unit 2	Information about the various nonimmigrant categories
A, C, G, NATO	Diplomats and Representatives, and their staffs and families

OVERVIEW

These nonimmigrant categories are for qualifying official foreign government representatives, and representatives of certain international organizations, to allow them to be in the U.S., or to travel through the U.S., as part of their diplomatic or other official duties.

Specific Nonimmigrant Categories in this group	
A1	Certain Diplomats and their immediate family
A2	Certain Diplomatic personnel and their immediate family
A3	Domestic Staff of an **A1** or **A2**, and the staff person's immediate family
C2	Representative in transit to or from the United Nations Headquarters District
C3	Government Representatives in transit through the U.S.
G1	Principal representative of certain international organization, accredited members of his or her staff, and his or her immediate family
G2	Other accredited representatives of certain international organizations, and their immediate family
G3	Persons who qualify under **G1** or **G2** except that the government is not recognized by the U.S. or is not a member of the international organization, and their immediate family
G4	Officers and employees of certain international organizations, and their family
G5	Domestic staff of a person or family member with status as a **G1-4**, and the staff person's immediate family
NATO 1-6	NATO personnel on assignment to the U.S. and their immediate family

Frequently Asked Questions

- How can I get information about eligibility and the terms of these categories?
- How long can I stay?
- Can I change my nonimmigrant status to/from these categories?
- Can a family member attend school?
- Can a family member work?
- Can I or my family travel outside the U.S. and return to this status?
- Can my status in these categories ever be a basis to become a permanent resident?

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How can I get more information about eligibility and the terms of these categories?

The U.S. Department of State administers programs for diplomats and representatives of foreign governments and international organizations, and provides defined services to individuals who hold one of these visas. For specific information about eligibility, we recommend you start with your government or international agency. **For more information, we suggest you contact the Department of State directly.**

- Please see their webpage about "Visas for Diplomats and Foreign Government Officials" on their website at www.state.gov.
- In the U.S. you can call the State Department at 202-485-7600.

The Department of Defense administers programs related to the NATO category.

For these categories, USCIS handles applications for an extension of stay or for a change of status to or from one of these categories, and applications for authorization to work in the general labor market after preliminary processing by the sponsoring government or organization and either the State Department of Department of Defense.

How long can I stay?

For information, we recommend you contact your government or organization, or the Department of State or the Department of Defense. In general **A1, A2, G1, G2, G3 and G4 –** Individuals are admitted for 'Duration of Status' (D/S) and can remain in the U.S. as long as the U.S. Secretary of State continues to recognize them as members of the diplomatic category. They do not need to apply to extend their stay.

- **A3 and G5 –** Individuals are admitted for up to three years, and can obtain extensions in two-year increments.
  - Click on the following link for General information about applying for an extension of stay
- **C2 –** Individuals are admitted for the duration of their mission at United Nations Headquarters. They do not need to apply to extend their stay. A **C2** cannot travel beyond the 25 miles radius of the United Nations district unless he or she applies for and first receives a change to another nonimmigrant status.
- **C3 –** Individuals are admitted for a maximum of 29 days. This cannot be extended.
- **NATO –** Individuals are admitted for 'Duration of Status' (D/S) and can remain in the U.S. for the length of their NATO assignment in the U.S as coordinated with the U.S. Department of Defense. They do not need to apply to extend their stay.

When dependents marry or turn 21 – They will no longer be eligible for dependent status in any of these government affairs categories that provide for dependents. They must apply to change to another status or depart the U.S.

Can I change my nonimmigrant status to/from these categories?

For information, we recommend you contact your government or organization, or the Department of State or Department of Defense. In general,

- **C2**, **C3 –** Individuals may not change status to or from these categories.
- For the rest of the categories in this group (A, G, NATO), if otherwise eligible, a person may change status to or from these categories. Use form I-539 to apply. Due to the nature of these categories, the application usually must be filed with a form I-566, which must be processed through the foreign government or organization and through the Department of State (Department of Defense in the case of NATO categories) before the application is filed.

General information about applying for a change of status

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Can a family member attend school?

Yes, while in status they can attend school without changing to another nonimmigrant status.

Can a family member work?

For information, we recommend you contact your government or organization, or the Department of State or Department of Defense. In general

- **A1, A2, G1, G2, G3 and G4 –** Dependents must request dependent employment authorization by filing a form I-566 with the Department of State. Once this is approved, they then file an I-765 application for an employment authorization document (EAD) with us. The EAD is what they need to show an employer that they are authorized to work.
- **A3, C2, C3 and G5 –** Dependents cannot work in the general labor market.
- **NATO –**Dependents must request dependent employment authorization by filing a form I-566 with the Department of Defense. Once this is approved, they then file an I-765 application for an employment authorization document (EAD) with us. The EAD is what they need to present an employer to show they are authorized to work.

Can I or my family travel outside the U.S. and return to this status?

If you are complying with all the terms and conditions of your status, you can usually return provided you have a valid visa for this status and valid passport (if you are required to have a passport).

However, if a person violates the terms and conditions of their status while here, it can affect their ability to return. For more information, contact your government or organization, or the Department of State.

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Can my status in these categories ever be a basis to become a permanent resident?

Were you ever a G4 nonimmigrant or born in the U.S. to parents who were diplomats?

If you were ever a **G4**, in certain limited circumstances you may be eligible to become a permanent resident. If you were ever a **G4**, are you either -

- **the unmarried son or daughter of an officer or employee, or of a former officer or employee, of an international organization?**
  - If **Yes**, are you now under 25 years old?
  - If **Yes**, have you resided and been physically present in the U.S. for a total of at least 7 years between ages 5 and 21?
  - If **Yes**, have you also resided and been physically present for at least one-half of the past seven years?

  If you answered **Yes** to all these questions, you may be eligible to apply to become a permanent resident.
  - To apply file an I-360 and I-485 application. You must file them before you turn 25.
- **the surviving spouse** of a deceased officer or employee of such an international organization?
  - If **Yes**, did your husband or wife who was the officer or employee pass away within the past 6 months?
  - If **Yes**, have you, resided and been physically present in the U.S. for at least 15 years before your husband or wife who was the officer or employee passed away?
  - If **Yes**, have you resided and been physically present in the U.S. for at least one-half of the past seven years?

  If you answered **Yes** to all these questions, you may be eligible to apply to become a permanent resident.
  - To apply, file an I-360 and I-485 application. You must file them within 6 months after your husband or wife who was the officer or employee passed away.
- **a retired officer or employee of such an international organization?**
  - If **Yes**, have you resided and been physically present in the U.S. for at least 15 years before you retired from this international organization?
  - If **Yes**, have you resided and been physically present in the U.S. for at least one-half of the past seven years?

  If you answered **Yes** to all these questions, you may be eligible to apply to become a permanent resident. In addition, your husband or wife may be eligible to apply at the same time.
  - To apply, file an I-360 and I-485 application. You must file them within 6 months after your husband or wife, who was the officer or employee retired.

For more information, see the application forms in our forms catalog. I-360 I-485

If you were born in the U.S. to parents who at the time were diplomats, then you were not a U.S. citizen at birth because your parents, and thus you, were not subject to the jurisdiction of the U.S. However, children of diplomats born in the U.S. are considered to be Lawful Permanent Residents unless they abandon their residency by returning to their home country with their parents.

Note: Barring any other basis for adjustment, A or G visa holders may adjust status if they have failed to maintain status and can demonstrate compelling reasons why they cannot return to their home country. The applicant must demonstrate that it is in the U.S. national interest and not contrary to national welfare, safety and security to grant LPR status.

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Chapter 4	General Nonimmigrant Information
Unit 2	Information about the various nonimmigrant categories
B, WB, WT	Tourists and Visitors on Business

OVERVIEW

These nonimmigrant categories let qualifying businessmen visit the U.S. on business and let qualifying tourists visit the U.S. The **WB** and **WT** categories are alternate designations to identify **B1** and **B2** nonimmigrants admitted under the Visa Waiver Program. For all these categories, the individual must have very clear plans to return abroad.

Tourists and Visitors on business	
B1	Visitors on Business
B2	Tourists
WB	Visitors on business coming temporarily on business admitted under the Visa Waiver Program
WT	Tourists admitted under the Visa Waiver program

Frequently Asked Questions

- In general, what are the requirements of these categories?
- Do I need a visa to come to the U.S. as a tourist or to attend business meetings?
- Where can I get more information about what I will need when I apply for a visa?
- Can I get a B2 visa so I can get medical treatment in the U.S.?
- Can I get a B2 visa to explore going to school in the U.S.?
- As a B1 or B2, can I attend school? Can I work?
- How long can I stay? Can I extend my stay?
- Can I change my nonimmigrant status to/from these categories?
- As a B1, do I need to change to a B2 if I want to visit after completing my business? As a B2, do I need to change to a B1 if plans change and I need to attend business meetings?
- Can I or my family travel outside the U.S. and return to this status?
- Can my status in these categories ever be a basis to become a permanent resident?
- What is the Visa Waiver Program?

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In general, what are the requirements of these categories?

Tourists – B2 status, and the **WT** equivalent for the Visa Waiver Program, are designed for tourists temporarily coming to visit the U.S. on vacation, to visit relatives or for other similar reasons. The person must intend to return abroad when the visit is complete, and he or she must have definite plans to return to a residence abroad. The person is authorized to remain for a specified period, and may not work in the U.S.

Visitors for business – B1 status and the **WB** equivalent for the Visa Waiver Program are designed for persons to be able to come to the U.S. on business, such as various business meetings. The person is authorized to remain for a specified period, and may not work in the U.S..

Do I need a visa to come to the U.S. as a tourist or to attend business meetings?

Normally, yes. There are two exceptions –

- If you are a citizen or national of Mexico, Canada or Bermuda, you are not required to have a visa to enter the U.S. as a **B1** or **B2** nonimmigrant.
- Under the Visa Waiver Program, citizens and nationals of certain countries are not required to have a visa to enter the U.S. as a **B1** or **B2** nonimmigrant.

For other information about visa and passport requirements, we suggest you either –

- check the Department of State's webpage http://usvisas.state.gov or
- contact the consulate directly.

Where can I get more information about what I will need when I apply for a visa?

When a visa is required, apply at the U.S. consulate or embassy abroad. The consular officer may require that an applicant for a **B1** or **B2** visa present various kinds of evidence to prove they are eligible for a visa. For more information, we recommend you contact the consulate or the Department of State. You can –

- check the Department of State's webpage http://usvisas.state.gov or
- contact the consulate directly, or, if you are in the U.S., contact the Department of State in Washington, DC at 202-485-7600.

Can I get a B2 visa so I can get medical treatment in the U.S.?

In limited circumstances you may be able to get a **B2** visa to get medical treatment that isn't available to you in your home country. For more information, we suggest you check the Department of State's website at www.state.gov or contact the consulate directly.

Can I get a B2 visa to explore going to school in the U.S.?

Yes, if you otherwise qualify as a student, apply for a **B2** visa explaining that you are a prospective student. When the visa is issued, it will carry a 'prospective student' note. If after you come to the U.S. you find an authorized school and are accepted for admission, you can use Form I-539 to apply for a change of status. That application must be approved before you can start school.

More information about eligibility and the process to become a student

Back to: Tourists and Visitors on Business Nonimmigrant Categories General Nonimmigrant Information Nonimmigrant Services Main Menu

As a B1 or B2, or WT or WB can I attend school? Can I work?

- **Attending school** - Generally you cannot attend school in these nonimmigrant categories. As part of your stay, you may be able to take a specific short seminar or similar program, but that must be a supplemental reason for your visit and stay, not the primary reason. You will not be able to get an extension of stay to continue these kinds of programs, or to engage in educational activities. If you're a nonimmigrant visitor interested in going to school in the U.S., we suggest you first contact the school. The school's foreign student advisor or staff should be able to help you.
- **Working** - Employment in the U.S. is not authorized to **B1, B2, WT, or WB** nonimmigrants.
  However, a **B1** nonimmigrant may conduct certain kinds of business, such as attending meetings, on behalf of his or her foreign employer. However, he or she may not work with or receive remuneration (pay) from a U.S. employer. Any pay that he or she receives while in the U.S. must come directly from the foreign employer. There are very narrow rules that allow certain activities in the U.S. that otherwise are considered employment. If you intend to engage in anything other than general business meetings, make sure you inform the consular officer when you apply for a visa, as well as the U.S. government representative when you apply to enter the U.S.

How long can I stay? Can I extend my stay?

Persons admitted in these categories are normally admitted for no more than 6 months. Your stamped passport or I-94 (not your visa) indicates how long you can stay. You can obtain a copy of your I-94 from www.cbp.gov/I94.
If you were admitted under the Visa Waiver Program (**WB** or **WT**), your stay cannot be extended. Otherwise, if you were admitted as a **B1** or **B2**, you can use Form I-539 to apply for an extension of stay. However, given the limited purpose of status, you will have to clearly demonstrate that the extension of stay is consistent with the terms and conditions of your status, and that you have definite plans to leave the U.S..

- More information about eligibility for an extension of stay

Can I change my nonimmigrant status to/from these categories?

A person admitted under the Visa Waiver Program (**WB** or **WT**) cannot be granted a change of status. A person admitted as a **B1** or **B2** can use Form I-539 to apply for an extension of stay to another category that is available for change of status.

- Information about the various other nonimmigrant categories
- More information about eligibility for a change of status

As a B1, do I need to change to a B2 if I want to visit after completing my business? As a B2, do I need to change to a B1 if plans change and I need to attend business meetings?

Generally, no, so long as you are simply visiting the U.S. as a tourist or attending business meetings. However, remember not to stay longer than your authorized stay.

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Can I or my family travel outside the U.S. and return to this status?

If you have complied with all the terms and conditions of your status, you can usually return provided you have a valid visa for this status (if you are required to have a visa) and valid passport (if you are required to have a passport).
However, if a person has violated the terms and conditions of their status, it can affect whether they can return.

Can my status in these categories ever be a basis to become a permanent resident?

No. In fact, to be eligible under these categories you must have definite plans to depart the U.S. and return to your residence abroad.

What is the Visa Waiver Program?

The Visa Waiver Program lets eligible citizens from certain countries travel to the U.S. for tourism or on business for a period of up to 90 days without first obtaining a U.S. visa. To be eligible, you must be a citizen of a participating country, your passport must meet certain standards, and you must be coming to the U.S. for 90 days or less solely as a temporary visitor – either for business (B1) or as a tourist (B2). There are additional requirements.

For information about participating countries, standards and requirements, we recommend you contact your airline, the Department of State which handles visa issuance, or U.S. Customs and Border Protection, the agency that manages the inspection, admission and exit of people from the U.S.

- For the State Department, customers can directly check the U.S. Department of State's website or contact the nearest U.S. consulate.
- For CBP, customers can directly check their website at www.cbp.gov or call them at 1-877-CBP-5511 (1-877-227-5511) Monday through Friday between 8:30 AM and 5:00 PM, Eastern Time.

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Chapter 4	General Nonimmigrant Information
Unit 2	Information about the various nonimmigrant categories
F	Academic Students

OVERVIEW

The **F** nonimmigrant category allows qualifying academic students to study in the U.S. in approved academic institutions. To obtain student status, a person must show that he or she 1) has been accepted by an approved academic school in the U.S, 2) has the financial resources to complete the planned course of study without working in the U.S., and 3) plans to return abroad when he or she completes the program.

Husbands, wives and unmarried children under 21 of **F** nonimmigrant students can be granted **F2** dependent status to accompany the student.

Academic students and their dependents	
F1	Academic Students
F2	Husbands, wives and unmarried children under 21 of an **F1** nonimmigrant
F3	Canadian and Mexican Academic Students who commute across the U.S. land border to school

Frequently Asked Questions

- In general, what are the requirements of these categories? What is the difference between F1 and F3? How can I get more information?
- I am interested in going to school in the U.S. What is the general process?
- Can an F nonimmigrant student attend a public school?
- What is the student fee?
- Are there other ways I can come to the U.S. as a student?
- Where can I get more information about what I will need to apply for a visa?
- As an F1, how long can I stay? Can I extend my stay, work, participate in practical training, or change schools?
- As an F1, can I extend my post-completion optional practical training (OPT) and how do I apply for the extension?
- As an F1, can my family come with me? Can they work, or go to school?
- As an F3, how long can I stay? Can I extend my stay, work or change schools?
- As an F3, can my family come with me? Can they work, or go to school?
- Can I and/or my dependent change to/from an F category?
- How can I get a replacement for my I-20 or I-94?
- When I was admitted as an F, I was only given 30 days. What should I do?
- Can I and/or my family travel outside the U.S. and return to this status?
- Can my status in these categories ever be a basis for permanent residence?
- How does a school get approval to admit foreign students?
- What happens if my school's approval to admit foreign students is withdrawn and there isn't a school representative or designated school official who can answer my questions? Where can I go for information and guidance?
- I am a Haitian F-1 student. What are the suspended requirements for obtaining employment authorization due to the earthquake in Haiti?
- I am a Syrian F-1 student. What are the suspended requirements for obtaining employment authorization due to the civil unrest in Syria?
- I am a Nepali F-1 student. What are the suspended requirements for obtaining employment authorization due to the earthquake in Nepal?

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In general, what are the requirements of these categories? What is the difference between F1 and F3? How can I get more information?

The **F1** and **F3** nonimmigrant categories allow qualifying academic students to study in the U.S. at approved academic institutions. To obtain this status, a person must show that he or she –

- has been accepted by an approved academic school in the U.S,
- has the financial resources to complete the planned course of study without working in the U.S., and
- plans to return abroad when s/he completes the program.

F1 is the primary category for academic students. It is restricted to full-time students. To maintain status the student must be a full-time student in an approved school, and be making satisfactory progress towards a specific degree or academic objective.

F3 is an alternate category for Mexican and Canadian commuter students, who live in Mexico or Canada and commute to study at a school within 75 miles of the U.S. land border.

- Since an **F3** commutes to school, he or she may keep student status if taking a reduced course load and if the school allows it and considers the student to be making satisfactory progress towards a specific degree or academic objective.

For more information, we recommend you directly contact the school you would like to attend. If an approved school, he or she can assist you with the process. Approved schools are required to have a designated school official (DSO) responsible for ensuring that the school complies with all requirements related to foreign students, and for assisting students. If the school has questions, it will contact us or the appropriate other agency.

I am interested in going to school in the U.S. What is the general process?

There is basically a 5-step process –

1. Your first step should be to contact the school you are interested in attending.
   - Prospective students can review a list of approved schools at www.ice.gov.
2. If an approved school accepts you, they will issue you a form I-20.
3. Once you receive the I-20, you must pay a student fee to the U.S. Government. Use form I-901.
   - For more information about this fee, see the I-901 or Further information about the student fee.
4. If you are outside the U.S. with your I-20, you can apply for a visa; if you are already in the U.S., you may be eligible to change status to become a nonimmigrant student.
   - When you apply for a visa or change of status, you will have to prove that –
     - you have sufficient assets and income to pay for school and all related costs for the entire course of study without working in the U.S, and
     - you have a residence outside the U.S. that you intend to return to when you finish school.
5. After you are admitted to the U.S., –
   - For proof of your status while you are here, you can access your I-94 arrival-departure record at www.cbp.gov/I94.

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Can an F nonimmigrant student attend public school?

- **College - F** status can be granted to attend public colleges and junior colleges.
- **High school** (grades 9-12) - F status can be granted to attend public high school in the U.S. if, as part of the visa application, the student submits evidence from the school district that it has been reimbursed in advance for the full, unsubsidized per capita cost of the education. However, a student cannot receive status to attend U.S. public high schools for a total of more than 12 months.
- **Other – F** status cannot be granted to attend public elementary schools or publicly funded adult education programs.

What is the student fee?

This fee covers certain costs for administering and enforcing the laws with respect to foreign students in the U.S. **For more information, we recommend you contact the school you are interested in attending**. For general information about the fee, you can also see Form I-901.

- If you have submitted your fee and want information about how long it should take to get a receipt.
- If you have submitted your fee and have refund questions.

Are there other ways I can come to the U.S. as a student?

Yes. Several other nonimmigrant categories also relate to various kinds of students –

- The **M** category is for vocational students.
- The **J** category is for exchange visitors, commonly used for formal high school exchange programs.

Where can I get more information about what I will need to apply for a visa?

First, we recommend you start with the approved school that has accepted you for admission. Beyond that, we suggest you either check the Department of State's website at www.state.gov or contact the consulate directly.

As an F1, can I extend my post-completion optional practical training (OPT) and how do I apply for the extension?

An F-1 student may apply for a 17-month extension of his or her post-completion OPT if:

- The student's bachelor's, master's, or doctorate degree was in a science, technology, engineering, or mathematics (STEM) field of study that is listed on the STEM-Designated Degree Program List that can be viewed at the U.S. Immigration and Customs Enforcement (ICE) – Student and Exchange Visitor Program (SEVP) website at www.ice.gov/sevis; and
- The student's employer is registered with the USCIS E-Verify program.

To apply for the 17-month extension:

- A student may apply up to 120 days before his/her current post-completion OPT expires. The student may not apply once his or her 60-day grace period has started.
- The student must file Form I-765 with USCIS, including an updated Form I-20 containing the DSO's favorable recommendation, a copy of the student's officials STEM degree transcripts, evidence of the employer's registration with E-Verify, and the required application fee.
- If the student's post-completion OPT expires while the STEM extension application is pending, the student will receive an automatic extension of employment authorization after their current employment authorization expires, but for no more than 180 days.

As an F1, how long can I stay? Can I extend my stay, work or change schools?

For specific information, we recommend you contact your approved school. In general-

- **Status –**
  - **Length of stay – F1** students are admitted for duration of status (D/S). This means you can stay so long as you are enrolled as a full-time student in an educational program at an approved school, are making normal progress toward completing your course of study, and are complying with all the terms of your status. At the end of your studies or any approved practical training, you will have 60 days to prepare to leave the country.
  - **Extending your stay –** You do not need to apply to extend your stay so long as you are maintaining your status and are within the period the school projected it would take you to complete the program. Your school is required to track progress towards your degree. If your school determines that there are compelling academic or medical reasons for you to take longer to complete the program, an extension may be granted by the Designated School Official.
  - **Working – We recommend you talk to the designated school official (DSO) at your school about your options.** In general, except for reasons of unforeseen economic hardship, you cannot apply for employment authorization until you have been a student in good standing for at least one full academic year. Even then, the reasons for which you may apply are very limited.
    - **Practical training –** if practical training is not readily available in your home country, your school can recommend up to 12 months practical training as you complete your program, or after you complete it. Under limited circumstances, students in a Science, Technology, Engineering, or Mathematics (STEM) field of study can extend their post-completion optional practical training (OPT). A new provision also allows students participating in post-completion OPT, who are the beneficiaries of an H-1B petition, to have their F-1 status extended. For more information about practical training, please contact your school representative or designated school official (DSO).
    - **Other employment –** The approved school you attend is authorized in limited circumstances to allow you to work on or off campus after you complete your first year of study. For more information, please contact your DSO.
- **Changing schools –** If you are in good academic standing and are complying with the terms of your status, it is possible to transfer to another school. For more information, contact the approved school to which you wish to transfer.

As an F1, can my family come with me? Can they work, or go to school?

An **F1** student's husband or wife and unmarried children under 21 can come with the student to the U.S. in **F2** status to stay with the student while he or she studies in the U.S. **For specific information we recommend you contact your school**. In general -

- Status - **An** F2 **is granted duration of status (D/S), just like the** F1**. An** F2 **is considered to be maintaining status as long as the** F2 **is the** F1**'s husband/wife or** unmarried **child under 21, meeting the terms of their own status, and the** F1 **is maintaining his or her status.**
- **Extending stay** - Since **F2** status depends on the status of the F1, as long as the **F1** maintains his or her status the **F2** does not have to extend his or her status.
- **Working** - An **F2** cannot work in the U.S. The **F2** category is solely to let a student's immediate family stay with them while they study in the U.S.
- **Going to school –**
  - The husband or wife of an **F1** cannot study in the U.S. as an **F2**. However, if he or she qualifies for **F1** status, he or she can apply to change status to **F1** in order to attend school.
  - While in status an **F2** child can attend elementary or secondary school (kindergarten through twelfth grade) without changing to another status.

As an F3, how long can I stay? Can I extend my stay, work or change schools?

Since this is a special status for commuter students who cross the land border to attend school within 75 miles of the border, some requirements are slightly different than for **F1** status. **For specific information, we recommend you contact your approved school.** In general -

- **Status** - When admitted with your I-20, you will be given a multiple entry I-94 showing your status, valid though the end of the current semester. Since **F3**'s are commuter students, your status expires the day the semester ends. This means the school must issue a new I-20 each semester. **F3** students cannot receive an extension of stay, but can reenter with their new I-20.
- **Working –**
  - **Practical training** - If you meet all requirements for **F1** status except that you are commuting to school, the approved school you attend can recommend practical training as you complete your program, or after you complete it, if practical training is not readily available in your home country.
  - **Other employment** - Unlike an **F1** student, the school cannot authorize other employment.
- **Changing schools –** If you are in good academic standing and are complying with the terms of your status, it is possible to transfer to another school. For more information, contact the approved school to which you wish to transfer.

As an F3, can my family come with me? Can they work or go to school?

In short, no. Under the Border Commuter Student Act of 2002, Public law 107-274, the family members of border commuter students are not entitled to any derivative status.

Can I and/or my dependent change to/from an F category?

Unless you are currently in a nonimmigrant category that does not allow a change of status, you can apply to change to **F** nonimmigrant status. However, you cannot start school until your application for a change of status is approved.

An **F** nonimmigrant can apply to change to another nonimmigrant status.

- Information about the various other nonimmigrant categories
- More information about eligibility for a change of status

How can I get a replacement for my I-20 or I-94?

We recommend you contact your school for information. They can issue a replacement I-20. If you have misplaced you Form I-94, you will need to file a Form I-102 with USCIS to replace the Form I-94. The Form I-102 is available on our website at www.uscis.gov. However, if you entered the U.S. after the I-94 was automated (April 30, 2013), the I-94 record can be accessed at www.cbp.gov/I94.

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When I was admitted as an F, I was only given 30 days. What should I do?

Follow the instructions you were given and contact the designated school official at your approved school immediately. Your status was limited because you did not have all the required documentation.

Before your stay expires, you and the approved school must follow the specified procedures and submit required documents to U.S. Customs and Border Protection, the agency that manages admissions to the U.S. If they find that the documents meet requirements, they will then issue evidence of your student status. For more information, we recommend their website at www.cbp.gov.

Can I and/or my family travel outside the U.S. and return to this status?

For specific information, we recommend you contact your school. In general -

- **F1 –** If you have complied with all the terms and conditions of your status, you can usually return to continue your studies as described in the I-20 (with your I-20 ID and a valid visa for this status) and a valid passport, if required to have a passport.
- **F2 dependents of an F1 -** If you have complied with all the terms and conditions of your status, and they have as well, they can use a copy of your I-20 ID, a valid visa--if a visa is required, and a valid passport--if one is required, to return to the U.S. to rejoin you within the program period shown on the I-20.
- **F3 –** An **F3** is given a multiple entry I-94. If you have complied with all the terms and conditions of your status, you can usually return to continue your studies as described in the I-20 with your I-20 ID and your multiple entry I-94 during the validity period of the I-94.

However, if any person has violated the terms and conditions of their status, it can affect whether they can return. For more information, contact your approved school.

Can my status in these categories ever be a basis for permanent residence?

No. In fact, to be eligible under these categories, you must plan to depart the U.S. and return to your residence abroad when you complete your studies.

How does a school get approval to admit foreign students?

There is a formal application process, and a series of requirements that focus on the school's credentials and requirements for administering the program if the school is approved to enroll foreign students. The application is Form I-17. A school with questions about the requirements or application process should check with U.S. Immigration and Customs Enforcement, which manages the process of approving schools to accept foreign students. For information, we recommend the school check their website at www.ice.gov.

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What happens if my school's approval to admit foreign students is withdrawn and there isn't a school representative or designated school official who can answer my questions? Where can I go for information and guidance?

If you currently reside in the U.S., you should contact U.S. Immigration and Customs Enforcement at (703) 603-3400.

I am a Haitian F-1 student. What are the suspended requirements for obtaining employment authorization due to the earthquake in Haiti?

The Department of Homeland Security has suspended certain requirements pertaining to Haitian F-1 students who are experiencing severe economic hardship due to the earthquake in Haiti on January 12, 2010, allowing these students to obtain employment authorization, work an increased number of hours while in school, and reduce their course load while maintaining their F-1 student status. For more information, Haitian F-1 students should consult with their Designated School Official or School Representative.

I am a Syrian F-1 student. What are the suspended requirements for obtaining employment authorization due to the civil unrest in Syria?

The Department of Homeland Security has suspended certain requirements pertaining to Syrian F-1 students who are experiencing severe economic hardship due to the civil unrest in Syria since March 1, 2011, allowing these students to obtain employment authorization, work an increased number of hours while in school, and reduce their course load while maintaining their F-1 student status. This temporary suspension will remain in effect until September 30, 2016. For more information, Syrian F-1 students should consult with their Designated School Official or School Representative.

I am a Nepali F-1 student. What are the suspended requirements for obtaining employment authorization due to the earthquake in Nepal?

The Department of Homeland Security has suspended certain requirements pertaining to Nepali F-1 students who are experiencing severe economic hardship due to the earthquake in Nepal on April 25, 2015, allowing these students to obtain employment authorization, work an increased number of hours while in school, and reduce their course load while maintaining their F-1 student status. This temporary suspension will remain in effect until December 24, 2016. For more information, Nepali F-1 students should consult with their Designated School Official or School Representative.

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Chapter 4	General Nonimmigrant Information
Unit 2	Information about the various nonimmigrant categories
J	Exchange Program Visitors

OVERVIEW

The **J** nonimmigrant category lets qualifying persons participate in approved exchange programs in the U.S. Depending on the program, the person may be a student, scholar, trainee, teacher, professor, research assistant, specialist or leader in a field of specialized knowledge or skill.

The overall exchange visitor program is managed by the U.S. Information Agency (USIA), part of the Department of State. They must approve an exchange program's participation.

Many exchange visitors are subject to a foreign residence requirement that requires that they return and live in their country for 2 years after they complete their program.

Exchange Program Visitors	
J1	Exchange Program Visitor
J2	Husbands, wives and unmarried children under 21 of a **J1** nonimmigrant

Frequently Asked Questions

- In general, what are the requirements for these categories? How can I get more information?
- I am interested in participating in an exchange visitor program. What is the general process?
- Are exchange programs just for students?
- What is the 2 year foreign residence requirement? How can I tell if it would apply to me?
- What is the registration fee?
- Where can I get more information about what I will need to apply for a visa?
- As a J1, how long can I stay? Can I extend my stay, work or change programs?
- As a J1, can my family come with me? Can they work or go to school?
- Can I and/or my dependent change to/from J nonimmigrant status?
- How can I get a replacement for my I-94?
- When I was admitted as a J, I was only given 30 days. What should I do?
- Can I and/or my family travel outside the U.S. and return to this status?
- Can my status in these categories ever be a basis for permanent residence?
- How does a program become an approved exchange visitor program?

In general, what are the requirements for these categories? How can I get more information?

To obtain **J1** status a person must show that he or she –

- has been accepted by an approved Exchange Visitor Program,
- has the financial resources to complete the planned program, and/or income through participating in the program, without working in the U.S. outside of the exchange program, and
- plans to return abroad when he or she completes the program.

For more information, we recommend you directly contact an approved Exchange Visitor Program. The overall exchange visitor program is administered by the Department of State. If you have general questions about programs, or about how you may be able to participate, we recommend you check the Department of State website for information at http://j1visa.state.gov or contact the nearest U.S. consulate or embassy abroad. If you are already in the U.S., call the Department of State at 202-485-7600.

I am interested in participating in an exchange visitor program. What is the general process?

There is basically a 5-step process –

1. Your first step is to contact that program. Many **J1** nonimmigrants are subject to a 2 year foreign residence requirement when their program ends. As part of your review, find out from the program whether you will be subject to this requirement.
   - You can review a list of programs at the Department of State's website at www.state.gov.
2. If an approved exchange program accepts you, they will issue a form DS-2019 to you.
3. Once you receive the DS-2019, in many situations you will have to pay a registration fee. Your program coordinator can tell you whether you must pay this fee, and the amount.
   - For more information about this fee, see form I-901 or further information about the student fee.
4. If you are outside the U.S. with your DS-2019, you can apply for a visa. If you are already in the U.S., you may be eligible to change status to become an exchange visitor.
   - When you apply for a visa or change of status, you will have to prove that you have sufficient assets and income to pay expenses that exceed any income you receive from the exchange program. You will also have to show that you have a residence outside the U.S. that you intend to return to when you complete the program.
5. After you are admitted to the U.S., -
   - For proof of your status while you are here, you can access your I-94 arrival-departure record at www.cbp.gov/I94.

Are exchange programs just for students?

No. Depending on the program, the person may be a student, scholar, trainee, teacher, professor, research assistant, specialist or leader in a field of specialized knowledge or skill. **For more information, we recommend you contact the exchange program in which you are interested in participating**, or check with the Department of State about available exchange visitor programs.

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What is the 2-year foreign residence requirement? How can I tell if it would apply to me?

Many **J1** nonimmigrants are subject to a 2-year foreign residence requirement when their program ends. This usually applies if the program is government financed or involves receiving graduate medical training. Find out from your program whether you will be subject to this requirement. **For more information, we recommend you contact the exchange program in which you are interested in participating**, or check with the Department of State about available exchange visitor programs.

What is the registration fee?

The fee covers certain costs for administering and enforcing the laws with respect to foreign students and certain exchange visitors in the U.S. Not all exchange visitors have to pay this fee, and the fee is not the same for all categories of exchange visitors. **For more information, we recommend you contact the exchange program in which you are interested in participating.** For general information about the fee, you can also see Form I-901.

- If you have submitted your fee and want information about how long it should take to get a receipt.

Where can I get more information about what I will need to apply for a visa?

First, we recommend you start with the approved exchange program that has accepted you. Beyond that, we suggest you either check the Department of State's website for information at www.state.gov or contact the nearest U.S. consulate or embassy abroad.

As a J1, how long can I stay? Can I extend my stay, work, or change programs?

For specific information, we recommend you contact your exchange program. In general-

- **Status –**
  - **Length of stay – J1**'s are admitted for duration of status (D/S). This means you can stay so long as you are participating in the exchange program as described in your DS-2019, and are complying with all the terms of your status.
  - **Extending your stay –** You do not need to apply to extend your stay so long as you are maintaining your status and are within the program length shown on your DS-2019.
- **Working – J1** students cannot work. Other **J1**'s can only work as described in the exchange program.
- **Changing programs –** If you are complying with all the conditions of your status, it is possible to transfer to another program. For more information, contact the program to which you wish to transfer.

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As a J1, can my family come with me? Can they work, or go to school?

A J1's husband or wife and unmarried children under 21 can come with **J1** in **J2** status. **For specific information, we recommend you contact your exchange program**. In general -

- **Status** - A **J2** is granted duration of status (D/S), just like the **J1**. A **J2** is considered to maintaining status as long as the **J2** is the **J1**'s husband/wife or unmarried child under 21 is meeting the terms of their own status, and the **J1** is maintaining his or her status.
- **Extending stay –** Since **J2** status depends on the status of the **J1**, as long as the **J1** maintains his or her status, the **J2** does not have to extend his or her status.
- **Working –** A **J2** may be given permission to work in the U.S. However, he or she cannot use the money to support the **J1**. To apply for employment authorization, the **J2** should use Form I-765.
- **Going to school –**
  - The husband or wife of a **J1** cannot study in the U.S. as a **J2**. However, if he or she qualifies for **J1** or **F1** status, he or she can apply to change status in order to go to school.
  - While in status, a **J2** child can attend school without changing to another nonimmigrant status.

Can I and/or my dependent change to/from J nonimmigrant status?

Unless you are currently in a nonimmigrant category that does not allow a change of status, you can apply to change to **J** nonimmigrant status. However, you cannot start a program until your application for a change of status is approved.

A **J** can apply to change to another nonimmigrant status unless subject to the 2 year foreign residence requirement.

- Information about the various other nonimmigrant categories
- More information about eligibility for a change of status

How can I get a replacement for my DS-2019 or I-94?

We recommend you contact your exchange program for information. They can issue a replacement DS-2019. If you have misplaced your Form I-94, you will need to file a Form I-102 with USCIS to replace the Form I-94. The Form I-102 is available on our website at www.uscis.gov. However, if you entered the U.S. after the I-94 was automated (April 30, 2013), the I-94 record can be accessed at www.cbp.gov/I94.

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When I was admitted as a J nonimmigrant, I was only given 30 days. What should I do?

Follow the instructions you were given and contact your exchange program immediately. Your status was limited because you did not have all the required documentation.

Before your stay expires, you and the program must follow the specified procedures and submit required documents to U.S. Immigration and Customs Enforcement, the agency that manages students and exchange visitor programs in the U.S. If they find the documents meet requirements, they will then issue evidence of your student status. For more information, we recommend their website at www.ice.gov.

Can I and/or my family travel outside the U.S. and return to this status?

For specific information, we recommend you contact your program. In general -

- **J1 –** If you have complied with all the terms and conditions of your status, you can usually return to continue your program with your DS-2019 and a valid visa for this status and valid passport, if a passport is required.
- **J2 -** If you have complied with all the terms and conditions of your status, and they have as well, they can use a copy of your DS-2019, a valid visa (if a visa is required), and a valid passport (if one is required) to return to the U.S. to rejoin you within the program period shown on the DS-2019.

However, if any person has violated the terms and conditions of their status, it can affect whether they can return. For more information, contact your program.

Can my status in these categories ever be a basis to become a permanent resident?

No. In fact, to be eligible under these categories, you must plan to depart the U.S. and return to your residence abroad when you complete your studies. J nonimmigrants are, in fact, subject to a 2-year foreign residence requirement after participating in certain exchange programs.

How does a program become an approved exchange visitor program?

For more information, we recommend you directly contact an approved Exchange Visitor Program. The overall exchange visitor program is administered by the Department of State. We recommend you check the Department of State's website for information at www.state.gov.

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Chapter 4	General Nonimmigrant Information
Unit 2	Information about the various nonimmigrant categories
M	Vocational Students

OVERVIEW

The **M** nonimmigrant category allows qualifying vocational students to study in the U.S. in approved vocational schools. To obtain student status a person must show that he or she –

- has been accepted by an approved academic school in the U.S,
- has the financial resources to complete the planned course of study without working in the U.S., and
- plans to return abroad when he or she completes the program.

Husbands, wives and unmarried children under 21 of **M** nonimmigrant students can be granted **M2** dependent status to accompany the student.

Vocational students and their dependents	
M1	Vocational Students
M2	Husbands, wives and unmarried children under 21 of an **M1** nonimmigrant
M3	Canadian and Mexican Vocational Students who commute across the U.S. land border to school

Frequently Asked Questions

- In general, what are the requirements of these categories? What is the difference between M1 and M3? How can I get more information?
- I am interested in going to school in the U.S. What is the general process?
- What is the Student Fee?
- Are there other ways I can come to the U.S. as a student?
- Where can I get more information about what I will need to apply for a visa?
- As an M1, how long can I stay? Can I extend my stay, work or change schools?
- As an M1, can my family come with me? Can they work, or go to school?
- As an M3, how long can I stay? Can I extend my stay, work, or change schools?
- As an M3, can my family come with me? Can they work, or go to school?
- Can I and/or my dependent change to/from an M category?
- How can I get a replacement for my I-20 or I-94?
- When I was admitted as an M, I was only given 30 days. What should I do?
- Can I or my family travel outside the U.S. and return to this status?
- Can my status in these programs ever be a basis to become a permanent resident?
- How does a school get approval to admit foreign students? *Link to 4.4.1.4, unit 4*

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In general, what are the requirements of these categories? What is the difference between M1 and M3? How can I get more information?

The **M1** and **M3** nonimmigrant categories allow qualifying academic students to study in the U.S. at approved vocational institutions. To obtain this status a person must show that he or she –

- has been accepted by an approved vocational school in the U.S,
- has the financial resources to complete the planned course of study without working in the U.S., and
- plans to return abroad when he or she completes the program.

M1 is the primary category for vocational students. It is restricted to full-time students. To maintain status the student must be a full-time student in an approved school, and be making satisfactory progress towards a specific degree or academic objective.

M3 is an alternate category for Mexican and Canadian commuter students who live in Mexico or Canada and commute to study at a school within 75 miles of the U.S. land border.

- Since an **M3** commutes to school, he or she may retain student status taking a reduced course load and if the school allows it and considers the student to be making satisfactory progress towards a specific degree or academic objective.

For more information, we recommend you directly contact the school you would like to attend. If it is an approved school, it can assist you with the process. Approved schools are required to have a designated school official responsible for ensuring that the school complies with all requirements related to foreign students, and for assisting students. The school will contact us or another appropriate agency for information.

I am interested in going to school in the U.S. What is the general process?

There is basically a 5-step process –

1. The first step is to contact the school you are interested in attending.
   - Prospective students can review a list of approved schools at www.ice.gov.
2. If an approved school accepts you, they will issue you a form I-20.
3. Once you receive the I-20, you must pay a student fee to the U.S. Government. Use form I-901.
   - For more information about this fee, see the I-901 or further information about the student fee.
4. If you are outside the U.S. with your I-20, you can apply for a visa; if you are already in the U.S., you may be eligible to change status to become a nonimmigrant student.
   - When you apply for a visa or change of status, you will have to prove that –
     - you have sufficient assets and income to pay for school and all related costs for the entire course of study without working in the U.S, and
     - you have a residence outside the U.S. that you intend to return to when you finish school.
5. After you are admitted to the U.S., –
   - For proof of your status while you are here, you can access your I-94 arrival-departure record at www.cbp.gov/I94.

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What is the student fee?

This fee covers certain costs for administering and enforcing the laws with respect to foreign students in the United States. **For more information, we recommend you contact the school you are interested in attending**. For general information about the fee, you can also see form I-901 at www.ice.gov.

- If you have submitted your fee and want information about how long it should take to get a receipt.
- If you have submitted your fee and have refund questions.

Are there other ways I can come to the U.S. as a student?

Yes. Several other nonimmigrant categories also relate to various kinds of students –

- The **F** nonimmigrant category is for academic students.
- The **J** category is for exchange visitors, commonly used for formal high school exchange programs.

Where can I get more information about what I will need to apply for a visa?

First, we recommend you start with the approved school that has accepted you for admission. Beyond that, we suggest you check the Department of State's website at www.state.gov or contact the consulate directly.

As an M1 student, how long can I stay? Can I extend my stay, work, or change schools?

For specific information, we recommend you contact your approved school. In general-

- **Status –**
  - **Length of stay - M1** students are admitted for the length of the vocational program as shown on the I-20, with a maximum of one year. In addition their stay includes an additional 30 days after the I-20 timeframe for the student to leave the U.S.
  - **Extending your stay –** If your vocational program will extend beyond the date indicated on your I-20 and I-94, you can apply to extend your stay. Use form I-539. For information and assistance, we recommend you contact your school.
- **Working –**
  - **Practical training –** If practical training is not readily available in your home country, your school can recommend practical training after you complete your vocational studies. Practical training is limited to one month for each 4 months of the vocational program, with a maximum of 6 months. To apply to for practical training, use form I-765. To extend your stay for this period, also file form I-539. We recommend you talk to the designated school official (DSO) at your school about this practical training option.
  - **Other employment -** Other than authorized practical training after you complete your vocational studies, an **M1** student cannot work in the U.S.
- **Changing schools –** If you are in good academic standing and are complying with the terms of your status, it is possible to transfer to another school within the first 6 months after you were admitted as a vocational student. However, the educational objective must be the same. For more information, contact the approved school to which you wish to transfer.

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As an M1 student, can my family come with me? Can they work, or go to school?

An **M1** student's husband or wife and unmarried children under 21 can come with the student to the U.S. in M2 status to stay with the student while he or she studies in the U.S. **For specific information, we recommend you contact your school**. In general -

- **Status** - An **M2** is admitted for the same period as the **M1**. An **M2** is considered to be maintaining status as long as the **M2** is the **M1**'s husband/wife or unmarried child under 21, is meeting the terms of their own status, and the **M1** is maintaining their status.
- **Extending stay** - Since **M2** status depends on the status of the **M1**, the **M2** can apply to extend their stay along with the **M1**.
- **Working** - An **M2** cannot work in the U.S. The **M2** visa or status is solely to let a student's immediate family stay with them while studying in the U.S.
- **Going to school –**
  - The husband or wife of an **M1** cannot study in the U.S. as an **M2**. However, if he or she qualifies for **F1** or **M1** status, he or she can apply to change status in order to attend school.
  - While in status an **M2** child can attend elementary or secondary school (kindergarten through twelfth grade) without changing to another nonimmigrant status.

As an M3 student, how long can I stay? Can I extend my stay, work, or change schools?

Since this is a special status for commuter students who cross the land border to attend school within 75 miles of the border, some requirements are slightly different than for **M1** status. **For specific information, we recommend you contact your approved school.** In general -

- **Status** - When admitted with your I-20, you will be given a multiple entry I-94 showing your status, valid though the end of the current semester. Since **M3**'s are commuter students, your status expires the day the semester ends. This means the school must issue a new I-20 each semester. **M3** students cannot receive an extension of stay, but can reenter with their new I-20.
- **Working –**
  - Practical training – If practical training is not readily available in your home country, your school can recommend practical training after you complete your vocational studies. Practical training is limited to one month for each 4 months of the vocational program, with a maximum of 6 months. To apply to for practical training, use form I-765. To extend your stay for this period, also file form I-539. We recommend you talk to the designated school official (DSO) at your school about this practical training option.
  - Other employment - Other than authorized practical training after you complete your vocational studies, an M3 student cannot work in the U.S.
- **Changing schools –** If you are in good academic standing and are complying with the terms of your status, you can transfer to another approved school (within 75 miles of the border) within 6 months of starting vocational school as an **M3**. For more information, contact the approved school to which you wish to transfer.

As an M3 student, can my family come with me? Can they work or go to school?

In short, no. Under the Border Commuter Student Act of 2002, Public law 107-274, the family members of border commuter students are not entitled to any derivative status.

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Can I and/or my dependent change to/from M nonimmigrant status?

Unless you are currently in a nonimmigrant category that does not allow a change of status, you can apply to change to **M** nonimmigrant status. However, you cannot start school until your application for a change of status is approved.

An **M** nonimmigrant may not apply to change his/her status to a(n):

- H nonimmigrant, if the training received under the M visa provided the qualifications for the temporary worker position
- Academic student (F-1).

Information about the various other nonimmigrant categories

More information about eligibility for a change of status

How can I get a replacement for my I-20 or my I-94?

We recommend you contact your school for information. They can issue a replacement I-20. If you have misplaced your Form I-94, you will need to file a Form I-102 with USCIS to replace the Form I-94. The Form I-102 is available on our website at www.uscis.gov. However, if you entered the U.S. after the I-94 was automated (April 30, 2013), the I-94 record can be accessed at www.cbp.gov/I94.

When I was admitted as an M nonimmigrant, I was only given 30 days. What should I do?

Follow the instructions you were given and contact the designated school official at your approved school immediately. Your status was limited because you did not have all the required documentation.

Before your stay expires, you and the approved school must follow the specified procedures and submit required documents to U.S. Immigration and Customs Enforcement (ICE), the agency that manages students and exchange visitor programs in the U.S. If they find the documents meet requirements, they will then issue evidence of your student status. For more information, we recommend their website at www.ice.gov.

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Can I or my family travel outside the U.S. and return to this status?

For specific information, we recommend you contact your school. In general -

- **M1 –** If you have complied with all the terms and conditions of your status, you can usually return to continue your studies as described in the I-20 with your I-20ID and a valid visa for this status and valid passport, if required to have a passport.
- **M2 dependent of an M1 -** If you have complied with all the terms and conditions of your status, and they have also, they can use a copy of your I-20 ID, a valid visa (if a visa is required), and a valid passport (if one is required) to return to the U.S. to rejoin you within the program period shown on the I-20.
- **M3 –** An **M3** is given a multiple entry I-94. If you have complied with all the terms and conditions of your status, you can usually return to continue your studies as described in the I-20 with your I-20ID and your multiple entry I-94 during the validity period of the I-94.

However, if any person has violated the terms and conditions of their status, it can affect whether he or she can return. For more information, contact your approved school.

Can my status in these categories ever be a basis for permanent residence?

No. In fact to be eligible under these categories you must plan to depart the U.S. and return to your residence abroad when you complete your studies.

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Chapter 4	General Nonimmigrant Information
Unit 2	Information about the various nonimmigrant categories
D	Crewmembers

OVERVIEW

These categories allow designated crewmen to enter the U.S. with the vessel, aircraft or other conveyance on which they are crewing. With **D1** the crewman must leave on the same vessel or conveyance on which they arrived. With **D2** the crewman can leave on another vessel or conveyance.

Crewmembers	
D1	Crewman staying on the same vessel
D2	Crewman changing to another vessel

Frequently Asked Questions

- In general, what are the requirements of these categories?
- How long can a D crewman stay? Can he or she get an extension of stay, change status, or work?
- How can I get more information?

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In general, what are the requirements for these categories?

These categories allow designated crewmen to enter the U.S. with the vessel, aircraft or other conveyance on which they are crewing. Not every person working on a boat, plane or other vessel can qualify as a **D**.

- With **D1** the crewman must leave on the same vehicle on which they arrive.
- With **D2** the crewman can leave on another vehicle, either as a crewman or as a passenger.

How long can a D crewman stay? Can he or she get an extension of stay, change status, or work?

- **Stay**- A **D** nonimmigrant is admitted for a maximum of 29 days. **D** status does not allow an extension of stay or change to another status.
- **Work –**
  - A **D1** can only work on the vessel on which he or she arrived, and must leave on that vessel.
  - A **D2** can only work on the vessel on which he or she arrived, and on the vessel on which he or she will depart.

How can I get more information?

The Department of State handles visa issuance, and U.S. Customs and Border Protection handles matters related to **D** crewmen in the U.S.

- For information about visa and passport requirements, we suggest you either check the Department of State's website at www.state.gov or contact the consulate directly.
- For information related to entering and leaving the U.S. and status as a D crewman while in the U.S., customers can directly check the CBP website at www.cbp.gov.

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Chapter 4	General Nonimmigrant Information
Unit 2	Information about the various nonimmigrant categories
E	Treaty Traders and Treaty Investors based on a bilateral treaty and Australian Specialty Occupation Workers, and dependents

OVERVIEW

The **E** nonimmigrant category is for qualifying treaty traders and treaty investors entitled to be in the U.S. under a bilateral treaty of commerce and navigation between the U.S. and the country of which the treaty trader or investor is a citizen or national, and for Australian Specialty Occupation Workers.

- The sole purpose of a treaty trader is to carry on substantial trade in goods, services and technology, principally between the U.S. and foreign country of which he or she is a citizen or national.
- The sole purpose of a treaty investor is to direct the operations of an enterprise in which he or she has invested, or is actively investing, a substantial amount of capital.
- The sole purpose of an Australian Specialty Occupation Worker is to work in the U.S. to perform services in a "specialty occupation."

Husbands, wives and unmarried children under 21 of an **E1**, **E2**, or **E3** may be granted the same status to accompany the **E1**, **E2**, or **E3**.

Treaty traders and Treaty investors and Australian Specialty Occupation Workers	
E1	Treaty Traders and their husbands, wives and unmarried children under 21
E2	Treaty Investors and their husbands, wives and unmarried children under 21
E3	Australian Specialty Occupation Workers and their husbands, wives and unmarried children under 21

Frequently Asked Questions

E-1 Treaty traders

- In general, what are the requirements for the Treaty Trader category?
- How does a company or enterprise apply for Treaty Trader status for an employee? How can I get more information?
- Can an E1 work for more than one employer, or change employers?
- Can my family come with me? Can they work, or go to school?
- Can I and/or my dependent change to/from the E1 or E2 category?
- Can I or my family travel outside the U.S. and return to this status?
- Can my status in these categories (E-1 and E-2) ever be a basis to become a permanent resident?

FAQs for E-2 Treaty investors and E-3 Australian Specialty Occupation Workers continue on next page

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E-2 Treaty investors

- In general, what are the requirements for the Treaty Investor category?
- How does an investor apply for Treaty Investor status? How can I get more information?
- Can the E2 category be used for any of an E2 investor's employees?
- Can an E2 who is an employee work for more than one employer, or change employers?
- As a treaty trader or treaty investor, how long can I stay? Can I extend my stay?
- Can my family come with me? Can they work or go to school?
- Can I and/or my dependent change to/from the E1 or E2 category?
- Can I or my family travel outside the U.S. and return to this status?
- Can my status in these categories (E-1 and E-2) ever be a basis to become a permanent resident?

E-3 Australian Specialty Occupation Workers

- What is a specialty occupation?
- To apply, what is required of the petitioning employer?
- How do I obtain an E-3 visa?
- What are the time limits on the duration of stay for an E-3?
- How do I change my status to that of an E-3 or extend my E-3 status?
- Can I immigrate permanently to the U.S.
- Is there a limit on the number of E-3 visas that will be issued?
- Can spouses of E-3s work?
- What are the employment authorization processing procedures for dependent spouses?

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In general, what are the requirements for the Treaty Trader category?

E1 status is designed for qualifying individuals who are citizens or nationals of countries with a qualifying commerce and navigation treaty with the U.S. and who will only engage in substantial trade in goods, services and technology, with such trade principally between the U.S. and that foreign country.

- **Substantial trade** means an amount of existing trade sufficient to ensure a continuous flow of international trade items between the U.S. and the treaty country. Trade is substantial when there are numerous transactions over a period of time and the income derived is sufficient to support the treaty trader. A single transaction, no matter the size, does not constitute substantial trade for the purpose of **E1** status.
- **The trade must be principally between U.S. and the treaty country**, meaning that more than 50% of the trade must be between the 2 countries.
- **Items of trade** include but are not limited to goods, services, international banking, insurance, monies, transportation, communications, data processing, advertising, accounting, design and engineering, management consulting, tourism, technology and its transfer, and some newsgathering activities.

Activities in the U.S. - The person must be coming to fill an executive or managerial position or have special qualifications essential to the firm's operations in the U.S.

How does a company or enterprise apply for Treaty Trader status for an employee? How can I get more information?

Most treaty traders go through the nonimmigrant visa process and demonstrate their eligibility as part of that process to the U.S. consulate or embassy. They then enter as an **E1**, and USCIS' role focuses on extensions of stay. We recognize that plans can change, and thus we provide a process through which the company can petition to change the status of someone who is already in the U.S. as a nonimmigrant to **E1**.

- For more information about which countries have qualifying treaties with the U.S. and visa requirements, we suggest the Department of State website at www.state.gov
- Employers interested in more information about how to change the status of an employee to **E1**, or about how to apply for an extension of stay –
  - Visit our website at www.uscis.gov and select the Temporary Workers link for more information about the E-1 visa classification.
  - Otherwise, call our **Employer, Business, Investor and School Services (EBISS) information line** at **1-800-357-2099**.

Can an E1 work for more than one employer or change employers?

An **E1** employee can only work for the employer that filed the petition or for the employer's affiliate, subsidiary or branch.

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In general, what are the requirements for the Treaty Investor category?

E2 status is designed for qualifying individuals who are citizens or nationals of countries with a qualifying commerce and navigation treaty with the U.S. and who will solely develop and direct the operations of an enterprise in which he or she has invested, or is actively in the process of investing, substantial capital.

- A **substantial amount of capital** means the capital is –
  - substantial in relationship to the total cost of purchasing or establishing the enterprise;
  - sufficient to ensure the treaty investor's financial commitment to the enterprise's success, and
  - large enough to ensure the viability of the enterprise so the treaty investor will be able to successfully direct and develop the enterprise.
- **Investment** means placing capital, including funds and other assets, at risk in the commercial sense with the objective of generating a profit.
- The **enterprise** invested in must be a real, active, and operating commercial or entrepreneurial undertaking that actually produces goods or profit.
- **Solely to develop and direct** means the investor develops and directs the investment enterprise, as shown by controlling at least 50% of the ownership of the enterprise, and filling an executive or managerial position in the enterprise.

How does an investor apply for Treaty Investor status? How can I get more information?

Most treaty investors go through the nonimmigrant visa process and demonstrate their eligibility as part of that process to the U.S. consulate or embassy. They then enter as an **E2**, and USCIS' role focuses on extensions of stay. We recognize that plans can change, and thus we provide a process through which the company can petition to change the status of someone who is already in the U.S. as a nonimmigrant to **E2**.

- For more information about which countries have qualifying treaties with the U.S. and visa requirements, we suggest the Department of State website at www.state.gov.
- Employers interested in more information about how to change the status of an employee to **E2** or about how to apply for an extension of stay –
  - Visit our website at www.uscis.gov and select the Temporary Workers link for further information about the E-2 visa classification.
  - Otherwise call our **Employer, Business, Investor and School Services (EBISS) information line** at **1-800-357-2099**.

Can the E2 category be used for any of an E2 investor's employees?

Yes, in limited circumstances if the employee is also a citizen or national of a country with a qualifying treaty with the U.S. and is coming to fill an executive or managerial position, or has special qualifications essential to the firm's operations in the U.S.

Can an E2 who is an employee work for more than one employer, or change employers?

An **E2** employee can only work for the employer that filed the petition or one of the employer's affiliates, subsidiaries, and branches.

An **E2** employee cannot change employers and remain in **E2** status. He or she would have to change status to another employment-based nonimmigrant classification.

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As a treaty trader or investor, how long can I stay? Can I extend my stay?

When first admitted, an **E1** or **E2** is normally given status for 2 years. Extensions of stay can be authorized in 2-year increments. Use Form I-129 to apply, but use form I-539 for dependents.

Can my family come with me? Can they work or go to school?

- Your husband or wife and unmarried children under 21 can accompany you as your dependents.
  - **When dependents marry or turn 21** - They will no longer be eligible for dependent status in these categories. They must apply to change to another status or depart the U.S.
- **Working –**
  - The **husband or wife** of an **E1** or **E2** may be authorized to work in the U.S. Use Form I-765 to apply. Apply under category (a)(17) in question 16 of the Form.
  - Other **dependents** cannot work in the U.S.
- **Extending their stay –** Dependents can extend their stay to remain with the **E1** or **E2** principal. Use form I-539 to apply. More information about extensions of stay
- **Going to school** – While in status, an **E1** or **E2** can attend school without changing to another nonimmigrant status.

Can I and/or my dependent change to/from the E1 or E2 category?

Unless you are currently in a nonimmigrant category that does not allow a change of status, you can apply to change to **E** nonimmigrant status. However, you cannot engage in activities associate with that status until your application for a change of status is approved.

An **E** nonimmigrant can apply to change to another nonimmigrant status.

- Information about the various other nonimmigrant categories
- More information about changing to another status

Use Form I-129 to apply for the worker. Use Form I-539 for dependents.

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Can I or my family travel outside the U.S. and return to this status?

If you have complied with all the terms and conditions of your status, you can usually return in the same status with a valid visa for this status and valid passport, if one is required.

Dependents - If you have complied with all the terms and conditions of your status, and they have also as well, they can usually return in the same status with a valid visa and a valid passport, if one is required.
However, if any person has violated the terms and conditions of their status, it can affect whether they can return.

Can my status in these categories (E-1 and E-2) ever be a basis for permanent residence?

No. In fact, to be eligible under these categories, you must plan to depart the U.S. and return to your residence abroad when your status under these categories ends.

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What is a specialty occupation?

For purposes of the E-3 category, a specialty occupation is defined in the same manner as in the H-1B context.

A specialty occupation is one that requires:

- The theoretical and practical application of a body of highly specialized knowledge to fully perform the occupation, and
- Completion of a specific course of higher education culminating in a baccalaureate degree (Bachelor's Degree) or higher degree (or its equivalent) in a specific occupation specialty. (e.g., engineering, mathematics, physical sciences, computer sciences, medicine and health care, education, biotechnology, and business specialties, etc.)

An example of this would be an individual obtaining an accounting degree from Harvard, performing an internship at a local auditing firm, and then being hired as an auditor for a Fortune 500 company.

To apply, what is required of the petitioning employer?

The petitioning employer is required to file a Labor Condition Application with the Department of Labor (DOL). Use Form ETA 9035, Labor Condition Application, to request certification under the E-3 program. Print "E-3 – Australia – to be process" at the top of each page of the Form. The completed Labor Condition Application should be filed with the DOL's National Office. Employers must also make the same attestations that they make for H-1B petitions, including paying the prevailing and actual wages, not breaking up strikes, maintaining public access files, etc.

Please visit our website at www.uscis.gov and select the Temporary Workers link for further information about the E-3 visa classification.
For further information about the Labor Condition Application, please see the Dept. of Labor website at www.foreignlaborcert.doleta.gov.

How do I obtain an E-3 visa?

As with the E-1 and E-2 categories, individuals who are not in the U.S. who wish to be admitted initially as an E-3 must apply directly to the Department of State for an E-3 nonimmigrant visa. Such persons must submit a job offer letter, relevant credentials, and an E-3 labor attestation and any other documentation required by the State Department.

What are the time limits on the duration of stay for an E-3?

An E-3 may be admitted initially for a period up to two years, and extensions of stay may be granted indefinitely in increments of up to two years.

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How do I change my status to that of an E-3 or extend my E-3 status?

A national of the Commonwealth of Australia, currently admitted to the U.S. as a nonimmigrant in a category eligible to change nonimmigrant status, may apply to the Nebraska Service Center to change to E-3 status and to extend such status after it is initially granted. Form I-129 must be submitted to process the change of status or extension of status. The E supplement to the I-129 is not currently required. The following documentation must also be submitted with the I-129:

- A letter from the U.S. employer describing the specialty occupation, the anticipated length of stay, and the arrangements for remuneration;
- Evidence that you meet the educational requirement for the specialty occupation, which must be a U.S. bachelor's degree or higher (or its equivalent) in the specific specialty;
- A U.S. Department of Labor issued certified labor attestation for E-3 Specialty Occupation Worker;
- Proof that you are a national of Australia; and
- Proof that you meet the general requirements to be eligible to apply to change status or extend status.

Premium processing is not currently available to those applying to change to E-3 status.

Can I immigrate permanently to the U.S.?

An E-3 nonimmigrant shall maintain an intention to depart the U.S. upon the expiration of termination of E status. E-3 visas are not dual intent visas in the sense of H-1B visas and L-1 visas. However, an application for initial admission, change of status, or extension of stay may not be denied solely on the basis of an approved request for permanent labor certification or a filed or approved immigrant visa preference petition.

Is there a limit on the number of E-3 visas that will be issued?

There is an annual cap of 10,500 E-3 visas. The spouse and children of the E-3 principal are allowed to accompany the principal and will not count against the cap. Extensions of stay also will not count against the cap.

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Can spouses of E-3s work?

Dependent spouses of principal E-3 workers are eligible to apply for work authorization. To apply, the dependent spouse must file Form I-765, Application for Employment Authorization. The filing location for Forms I-765 filed with Form I-129 petitions for E-3 principal workers is the Vermont Service Center. File a stand-alone Form I-765 for an E-3 spouse at the Dallas or Phoenix Lockbox facility, depending on the applicant's residence. Please see our Web site: Filing addresses for Form I-765.

In order to establish a valid marital relationship and verify current status of the dependent spouse and the E-3 principal, both the dependent spouse's and the E-3 principal's Form I-94, Arrival/Departure Record, evidencing admission as or change of status to an E-3, should be submitted together with the Form I-765. When applicable, you should also submit a copy of the petition approval notice of the E-3 principal.

What are the employment authorization processing procedures for dependent spouses?

Form I-765 currently contains a space for the applicant to fill in the basis for employment authorization. Applicants should write in the words "spouse of E nonimmigrant".

You may be authorized employment for the period of admission and/or status of the E-3 principal, but not to exceed two years. In addition, dependent spouses may file the Form I-765 concurrently with the Form I-539, Application to Extend or Change Nonimmigrant Status.

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Chapter 4	General Nonimmigrant Information
Unit 2	Information about the various nonimmigrant categories
H1B	Temporary Workers in Specialty Occupations

OVERVIEW

These nonimmigrant categories allow an employer to file for qualifying persons to temporarily work for the employer in the U.S. -

- a specialty occupation,
- as a fashion model of distinguished merit and ability, or
- to perform services of an exceptional nature requiring exceptional merit and ability relating to a cooperative research and development project agreement administered by the Secretary of Defense.

Husbands, wives and unmarried children of an **H1B** may be granted **H4** dependent status to accompany the **H1B** worker.

Temporary Workers in Specialty Occupations	
H1B	Workers in Specialty Occupations
H4	Husbands, wives and unmarried children under 21 of an **H1B** nonimmigrant

Frequently Asked Questions

- In general, what are the requirements for the H1B category?
- How does an employer start the process? How can I get more information?
- How long can I stay as an H1B? Can I extend my stay?
- Can an H1B work for more than one employer or change employers?
- As an H1B, can my family come with me? Can they work or go to school?
- Can I and/or my dependent change to/from the H1B and dependent H4 categories?
- Can I or my family travel outside the U.S. and return to this status?
- Can my status in these categories ever be a basis to become a permanent resident?

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In general, what are the requirements for the H1B category?

H1B status is designed for qualifying individuals whom an employer seeks to bring to the U.S. to work in –

- In a specialty occupation that requires -
  - a theoretical and practical application of a body of highly specialized knowledge to fully perform the occupation, and
  - at least a bachelor's degree in the specific specialty, or its equivalent, as a minimum for entry.
- as a fashion model of distinguished merit and ability, or
- to perform services of an exceptional nature requiring exceptional merit and ability relating to a cooperative research and development project agreement administered by the Secretary of Defense.

How does an employer start the process? How can I get more information?

There are generally three steps. The employer must take the first two steps before the individual applies for an **H-1B** visa.

First, the employer must file a labor condition application with the Secretary of Labor for a labor certification. The employer then files a petition for a nonimmigrant worker on Form I-129.

If the petition is approved –

- if the worker is outside the U.S., he or she will go through the nonimmigrant visa process, and then enter as an **H-1B** worker;
- if the worker is already here and that was indicated in the petition, the worker can begin work for the employer as described in the employer's petition.

Numerical limits: The law limits the total number of new **H-1B** workers per year. Employers should determine whether this yearly limit has been reached before starting the process.

For more information about-

- The labor condition application process, employers can go to the Department of Labor website at www.foreignlaborcert.doleta.gov.
- The petition process –
  - Visit our website at www.uscis.gov and select the "Working in the U.S." link and then select the "H-1B" link.
  - Otherwise, the employer can call our **Employer, Business, Investor and School Services (EBISS) information line** at **1-800-357-2099**.
- Visa requirements based on an approved **H-1B** petition, we suggest the Department of State website at www.state.gov.

Back to: H1B –specialty occupations Nonimmigrant Categories General Nonimmigrant Information Nonimmigrant Services Main Menu

How long can I stay as an H1B? Can I extend my stay?

- **Initial status -** While it depends on the labor certification and the proposed period of employment, generally most **H1B** workers are granted status initially for a maximum of three years.
- **Maximum stay - H1B** workers can be granted extensions of stay based on subsequent I-129 petitions filed by employers. They are usually limited to a maximum stay of six years. However, there are limited exceptions to this maximum. For information about these exceptions –
  - Visit our website at www.uscis.gov and select the Temporary Workers link for further information about the H-1B visa classification.
  - Otherwise, the employer can call our **Employer, Business, Investor and School Services (EBISS) information line** at **1-800-357-2099**.
- **Effect of vacations, leave, strikes and other inactivity -** An **H1B** worker may be on vacation, sick/maternity/paternity leave, on strike, or otherwise inactive without affecting his or her status.

Can an H1B work for more than one employer or change employers?

- **Changing employers-** An **H1B** worker can change employers, but first the new employer must file a labor condition application and then file a new **H1B** petition. If the worker is already an **H1B**, he or she can then begin the employment as described in the petition without waiting for USCIS to approve the petition. This is called a "portability provision", and it only applies to someone already in valid **H1B** status.
- **Multiple employers -** An **H1B** worker is allowed to work for more than one employer at a time. However, each employer must first file a labor condition application and file an I-129 petition.

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As an H1B, can my family come with me? Can they work or go to school?

Your spouse and unmarried children under 21 can accompany you as your dependents.

- **When dependent children marry or turn 21** - They will no longer be eligible for dependent status in these categories. They must apply to change to another status or depart the U.S.
  - **Working –**

    Effective May 26, 2015, H-4 spouses of certain H-1B nonimmigrants who are in the process of seeking employment-based lawful permanent resident (LPR) status are eligible to apply for work authorization. To apply the dependent spouse must file Form I-765, Application for Employment Authorization, with supporting evidence and the required fee.

    An H-4 nonimmigrant spouse can apply for work authorization if his/her **H-1B spouse**:

    - Is the beneficiary of an approved Form I-140, Immigrant Petition for Alien Worker; or
    - Received an H-1B extension under sections 106(a) and (b) of the American Competitiveness in the Twenty-first Century Act of 2000 as amended by the 21st Century Department of Justice Appropriations Authorization Act (known as AC21). This means that the H-1B principal must have received an extension of his or her H-1B status because:
      - He/she is the beneficiary of a labor certification application filed with the Department of Labor 365 days prior to the end of the H-1B's sixth year (preference category requires a labor certification) and the labor certification application is either still pending or was approved and timely filed with Form I-140; **OR**
      - He/she is the beneficiary of a form I-140 that was filed 365 days prior to the end of the H-1B's sixth year (preference category does not require a labor certification or the labor certification can be waived) and Form I-140 is still pending.

    The expiration date on the EAD will likely be the same date as the expiration date on the H-4's most recent Form I-94 indicating his/her H-4 nonimmigrant status.
  - Other H-4 dependents cannot work in the U.S.
- **Extending their stay – H-4** dependents can extend their stay to remain with the **H-1B** nonimmigrants. Use Form I-539 to apply. More information about extensions of stay
- **Going to school –** While in status, an **H-4** dependent can attend school without changing to another nonimmigrant status, provided that the H-1B maintains his or her nonimmigrant H-1B status.

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Can I and/or my dependent change to/from the H1B or the dependent H4 category?

An **H1B** or **H4** nonimmigrant can apply to change to another nonimmigrant status.

Unless, you are currently in a nonimmigrant category that does not allow a change of status, you can apply to change to **H1B** or **H4** nonimmigrant status. However, you cannot engage in activities associated with that status until your application for a change of status is approved.

- Information about the various other nonimmigrant categories
- More information about changing to another status

Use Form I-129 to apply for the worker. Use Form I-539 for dependents.

Can I or my family travel outside the U.S. and return to this status?

Yes, an **H-1B** visa allows a nonimmigrant holding and maintaining that status to reenter the U.S. during the validity period of the visa and approved petition. Therefore, **H-1B** holders should always carry the following documents while traveling:

- Valid, unexpired form I-797 (Notice of Approval)
- Valid passport with an expiration date of at least 6 months in the future
- Valid **H-1B** visa stamp in passport and I-94 arrival-departure record which can be accessed at www.cbp.gov/I94.

Adjustment of status applicants maintaining **H** nonimmigrant status who depart the U.S., will not be deemed to have abandoned their applications if they did not obtain advance parole prior to departure. However, upon return to the U.S., they must demonstrate to the immigration officer at the port of entry that they remain eligible for H-1/H-4 nonimmigrant status. They should always carry the following documents while traveling:

- Letter from employer showing that he or she will resume employment with the same employer for which they had previously been authorized to work as an H-1B nonimmigrant (not applicable to **H-4** nonimmigrants);
- Valid H-1B visa stamp in passport and I-94 card to show that he or she is in valid in **H-1B** status

Note: **H-1** and **H-4** are no longer required to present a Form I-797 receipt notice for their adjustment of status applications upon readmission to the United States after a trip abroad in order to avoid having their applications considered abandoned.
If any person has violated the terms and conditions of their status, it can affect whether they can return.

Can status in these categories ever be a basis to become a permanent resident?

The status cannot, but the employment may be a basis to qualify to immigrate and become a permanent resident. An **H1B** worker can be the beneficiary of an immigrant visa petition, can apply for adjustment of status, or take other steps towards becoming a permanent resident without affecting **H1B** or **H4** status. This is known as "dual intent". While any application for permanent residence is pending, the nonimmigrant may travel on his or her **H1B** visa.

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Chapter 4	General Nonimmigrant Information
Unit 2	Information about the various nonimmigrant categories
H2A	Temporary Agricultural Workers

OVERVIEW

This nonimmigrant category allows an employer to file to bring qualifying persons to temporarily work in the U.S. for the employer as temporary agricultural workers. Workers are typically farm workers, orchard workers and ranch hands.

Husbands, wives and unmarried children of an **H2A** can be granted **H4** dependent status to accompany the **H2**A worker.

Temporary Agricultural Workers	
H2A	Temporary Agricultural Worker
H4	Husbands, wives and unmarried children under 21 of an **H2A** nonimmigrant

Frequently Asked Questions

- In general, what are the requirements for the H2A category?
- How does an employer start the process? How can I get more information?
- How long can I stay as an H2A? Can I extend my stay?
- Can an H2A work for more than one employer, change employers or work part-time?
- As an H2A, can my family come with me? Can they work or go to school?
- Can I and/or my dependent change to/from the H2A and dependent H4 categories?
- Can I or my family travel outside the U.S. and return to this status?
- Can my status in these categories ever be a basis to become a permanent resident?

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In general, what are the requirements for the H2A category?

H2A status allows an employer to bring qualifying persons to temporarily work in the U.S. for the employer as temporary agricultural workers, when there are not sufficient U.S. workers available. Workers are typically farm workers, orchard workers and ranch hands. The work must be either temporary or seasonal, not just the job offered to the foreign worker.

How does an employer start the process? How can I get more information?

There are generally three steps. The employer must take the first two steps before the individual applies for an **H2A** visa.

First, the employer must apply to the Department of Labor for a labor certification. Once the Secretary of Labor issues the certification, the employer then files a Form I-129, Petition for a Nonimmigrant Worker.

If the petition is approved –

- if the worker is outside the U.S., he or she will go through the nonimmigrant visa process, and then enter as an **H2A** worker;
- if the worker is already here, and that was indicated in the petition, the worker can begin work for the employer as described in the employer's petition.

For more information about-

- the labor certification process - Employers can go to the Department of Labor website at www.foreignlaborcert.doleta.gov.
- the petition process –
  - Visit our website at www.uscis.gov and select the Temporary Workers link for further information about the H-2A visa classification.
  - Otherwise, the employer can call our **Employer, Business, Investor and School Services (EBISS) information line** at **1-800-357-2099**.
- visa requirements based on an approved **H2A** petition, we suggest the Department of State website at www.state.gov.

How long can I stay as an H2A? Can I extend my stay?

- **Initial status** - While it depends on the proposed period of employment, the maximum petition validity is 12 months.
- **Maximum stay – H2A** workers can be granted extensions of stay in increments of up to a year based on subsequent I-129 petitions filed by employers. However, an **H2A** cannot remain for longer than 3 years. Once you reach this limit you will not be eligible for further extensions as an **H2A**.

Can an H2A work for more than one employer, change employers or work part-time?

- **Changing employers** - An **H2A** worker can change employers if he or she has not reached the limit on the maximum allowed stay as an **H2A**, but first the new employer must file a file an **H2A** petition on form I-129, and USCIS must approve the petition before you can transfer.
- **Multiple employers** - An **H2A** worker may work for multiple employers at the same time if each has an approved I-129 petition for the work and the employee.
- **Part-time work** - Most agricultural employees are paid on an hourly or at a piece rate. Thus, the hours and work schedule of the worker may vary if they stay within what was described in the petition.

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As an H2A, can my family come with me? Can they work or go to school?

- Your husband or wife and unmarried children under 21 can accompany you as your dependents.
- **When dependents marry or turn 21** - They will no longer be eligible for dependent status in these categories. They must apply to change to another status or depart the U.S.
  - **Working –**An **H4** cannot work in the U.S.
  - **Extending their stay – H4** dependents can extend their stay to remain with the **H2A**. Use form I-539 to apply. More information about extensions of stay
  - **Going to school –** While in status, an **H4** can attend school without changing to another nonimmigrant status.

Can I and/or my dependent change to/from the H2A or the dependent H4 category?

Unless, you are currently in a nonimmigrant category that does not allow a change of status, you can apply to change to **H2A** or **H4** nonimmigrant status. However, you cannot engage in activities associated with that status until your application for a change of status is approved.

An **H2A** or **H4** nonimmigrant can apply to change to another nonimmigrant status.

- Information about the various other nonimmigrant categories
- More information about changing to another status

Use Form I-129 to apply for the worker. Use Form I-539 for dependents.

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Can I or my family travel outside the U.S. and return to this status?

If you have complied with all the terms and conditions of your status, and continue to qualify for **H2A** status, you can usually return in the same status with a valid visa for this status and valid passport, if one is required.

- **Temporary absences count towards the H2A maximum stay.**

Dependents – If you have complied with all the terms and conditions of your status, and they also have as well, they can usually return in the same status with a valid visa and a valid passport, if one is required.

However, if any person has violated the terms and conditions of their status, it can affect whether they can return.

Can status in these categories ever be a basis to become a permanent resident?

No. In fact, to be eligible under these categories you must plan to depart the U.S. and return to your residence abroad when your **H2A** or **H4** status ends. The concept of 'dual intent' does not apply.

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Chapter 4	General Nonimmigrant Information
Unit 2	Information about the various nonimmigrant categories
H2B	Temporary skilled and unskilled workers

OVERVIEW

This nonimmigrant category allows an employer to file for qualifying persons to temporarily work in the U.S. for the employer as a skilled or unskilled worker. The employer must have a temporary need for the workers, such as seasonal work, a peak demand period, or if intermittent or a one-time occurrence.

Husbands, wives and unmarried children of an **H2B** may be granted **H4** dependent status to accompany the **H2B** worker.

Temporary skilled and unskilled workers	
H2B	Temporary skilled and unskilled workers
H4	Husbands, wives and unmarried children under 21 of an **H2B** nonimmigrant

Frequently Asked Questions

- In general, what are the requirements for the H2B category?
- How does an employer start the process? How can I get more information?
- How long can I stay as an H2B? Can I extend my stay?
- Can an H2B work for more than one employer, change employers or work part-time?
- As an H2B, can my family come with me? Can they work or go to school?
- Can I and/or my dependent change to/from the H2B and dependent H4 categories?
- Can I or my family travel outside the U.S. and return to this status?
- Can my status in these categories ever be a basis to become a permanent resident?

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In general, what are the requirements for the H2B category?

H2B status is designed to allow an employer to bring qualifying persons to temporarily work in the U.S. for the employer as a skilled or unskilled worker. The employer must have a temporary need for the workers, such as seasonal work, a peak demand period, or if intermittent or a one-time situation.

How does an employer start the process? How can I get more information?

There are generally three steps. The employer must take the first two steps before the individual applies for an **H2B** visa.

First, the employer must apply to the Department of Labor for a labor certification. Once the Secretary of Labor issues the certification, the employer then files a petition for a nonimmigrant worker on form I-129.

If the petition is approved –

- if the worker is outside the U.S., he or she will go through the nonimmigrant visa process, and then enter as an **H2B** worker;
- if the worker is already here, and that was indicated in the petition, the worker can begin work for the employer as described in the employer's petition.

Numerical limits: The law limits the total number of new **H2B** workers per year. Employers should determine whether this yearly limit has been reached before starting the process.

For more information about -

- the labor certification process, employers can go to the Department of Labor website at www.foreignlaborcert.doleta.gov.
- the petition process –
  - Visit our website at www.uscis.gov and select the Temporary Workers link for further information about the H-2B visa classification.
  - Otherwise, the employer can call our **Employer, Business, Investor and School Services (EBISS) information line** at **1-800-357-2099**.
- visa requirements based on an approved **H2B** petition, we suggest the Department of State website at www.state.gov.

How long can I stay as an H2B? Can I extend my stay?

- **Initial status –** While it depends on length of the proposed period of employment as described in the labor certification and petition, the maximum is 12 months.
- **Maximum stay – H2B** workers can be granted extensions of stay in increments of up to a year based on subsequent I-129 petitions filed by employers. However, an **H2B** cannot remain for longer than 3 years. Once you reach this limit, you will not be eligible for further extensions as an **H2B**.

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Can an H2B work for more than one employer, change employers or work part-time?

- **Changing employers** - An **H2B** worker can change employers, if he or she has not reached the limit on the maximum allowed stay as an **H2B**, but first the new employer must file a file an **H2B** petition on form I-129, and USCIS must approve the petition before you can transfer.
- **Multiple employers** - An **H2B** worker may work for multiple employers at the same time if each has an approved I-129 petition for the work and the employee.
- **Part-time work –** An **H2B** can only work in a full-time position.

As an H2B, can my family come with me? Can they work or go to school?

- Your husband or wife and unmarried children under 21 can accompany you as your dependents.
  - **When dependents marry or turn 21** - They will no longer be eligible for dependent status in these categories. They must apply to change to another status or depart the U.S.
    - **Working –** An **H4** cannot work in the U.S.
    - **Extending their stay – H4** dependents can extend their stay to remain with the **H2B**. Use Form I-539 to apply. More information about extensions of stay
    - **Going to school –** While in status, an **H4** can attend school without changing to another nonimmigrant status.

Can I and/or my dependent change to/from the H2B or the dependent H4 category?

Unless you are currently in a nonimmigrant category that does not allow a change of status, you can apply to change to **H2B** or **H4** nonimmigrant status. However, you cannot engage in activities associated with that status until your application for a change of status is approved.

An **H2B** or **H4** nonimmigrant can apply to change to another nonimmigrant status.

- Information about the various other nonimmigrant categories
- More information about changing to another status

Use Form I-129 to apply for the worker. Use Form I-539 for dependents.

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Can I or my family travel outside the U.S. and return to this status?

If you have complied with all the terms and conditions of your status, and continue to qualify for **H2B** status, you can usually return in the same status with a valid visa for this status and valid passport, if one is required.

- **Temporary absences count towards the H2B maximum stay.**

Dependents – If you have complied with all the terms and conditions of your status, and they also have as well, they can usually return in the same status with a valid visa and a valid passport, if one is required.

However, if any person has violated the terms and conditions of their status, it can affect whether they can return.

Can status in these categories ever be a basis to become a permanent resident?

No. In fact, to be eligible under these categories you must plan to depart the U.S. and return to your residence abroad when your **H2B** or **H4** status ends. The concept of 'dual intent' does not apply.

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Chapter 4	General Nonimmigrant Information
Unit 2	Information about the various nonimmigrant categories
H3	Trainees

OVERVIEW

This nonimmigrant category allows an employer to file to bring qualifying persons to the U.S. for a temporary period –

- As a trainee to receive training that is not available in the trainee's home country. For these programs -
  - the purpose of the program must be training, not productive employment;
  - the training cannot involve graduate medical education or training, and
  - the training cannot be provided primarily by or at an academic or vocational school.
- Or to participate in a special education exchange program that provides for practical training and experience in the education of children with physical, mental or emotional disabilities.

Husbands, wives and unmarried children of an **H3** may be granted **H4** dependent status to accompany the **H3** worker.

Trainees	
H3	Trainees, and Special Education Exchange Program visitors
H4	Husbands, wives and unmarried children under 21 of an **H3** nonimmigrant

Frequently Asked Questions

- In general, what are the requirements for the H3 category?
- How long can a training program last?
- How does an employer start the process? How can I get more information?
- How long can I stay as an H3? Can I extend my stay?
- Can an H3 participate in more than one training program or change programs?
- As an H3, can my family come with me? Can they work or go to school?
- Can I and/or my dependent change to/from the H3 and dependent H4 categories?
- Can I or my family travel outside the U.S. and return to this status?
- Can my status in these categories ever be a basis to become a permanent resident?

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In general, what are the requirements for the H3 category?

H3 status is designed to allow an employer to bring someone to the U.S. to participate in -

- A **special education exchange program that** provides practical training and experience in the education of children with physical, mental or emotional disabilities.
  - The facility must have professionally trained staff and a structured program to educate children with disabilities, and to train and give hands-on experience to participants in the exchange program. In addition, the training position cannot be used to fill a job normally filled by U.S. workers.
- **Other training programs** to give training not available in the trainee's home country. The program -
  - purpose must be training, not productive employment;
  - cannot involve graduate medical education or training, and
  - cannot have the training provided primarily by or at an academic or vocational school.

How long can a training program last?

- **Special education exchange programs –** a maximum of 18 months
- **Other training programs** - a maximum of 24 months.

These limits also apply to the total length of time a person may remain in the U.S. as an **H3**.

How does an employer start the process? How can I get more information?

There are generally two steps. First, the employer must file a petition for the trainee on Form I-129.

If the petition is approved –

- if the trainee is outside the U.S., he or she will go through the nonimmigrant visa process, and then enter as an **H3** trainee;
- if the trainee is already here, and that was indicated in the petition, then he or she can begin work for the employer as described in the employer's petition.

For more information about -

- the petition process –
  - Visit our website at www.uscis.gov and select the Temporary Workers link for further information about the H-3 visa classification.
  - Otherwise, the employer can call our **Employer, Business, Investor and School Services (EBISS) information line** at **1-800-357-2099**.
- visa requirements based on an approved **H3** petition, we suggest the Department of State website at www.state.gov.

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How long can I stay as an H3? Can I extend my stay?

- **Initial status –** An **H3** is admitted for the length of the proposed training program, plus up to 10 days before and after the program starts and ends.
- **Maximum stay – H3** status is limited to the maximum program length, plus the 10 days before and after the program. If the initial program was designed to last for a shorter period and is continuing, the employer may file an I-129 petition, to extend the trainee's status up to the maximum authorized stay

Can an H3 participate in more than one training program, or change programs?

- **Changing programs** - An **H3** trainee can change programs, if he or she has not reached the limit on the maximum allowed stay as an **H3**, but first the new employer must file a file an **H3** petition on form I-129, and USCIS must approve the petition before you can transfer.
- **Multiple programs** - An **H3** trainee may participate in multiple programs and at the same time work, if each employer has an approved I-129 petition for the training program and employee.

As an H3, can my family come with me? Can they work or go to school?

- Your husband or wife and unmarried children under 21 can accompany you as your dependents.
- **When dependents marry or turn 21** - they will no longer be eligible for dependent status in these categories. They must apply to change to another status or depart the U.S.
- **Working –**An **H4** cannot work in the U.S.
- **Extending their stay – H4** dependents can extend their stay to remain with the **H3**. Use Form I-539 to apply. More information about extensions of stay
- **Going to school –** While in status, an **H4** can attend school without changing to another nonimmigrant status.

Can I and/or my dependent change to/from the H3 or the dependent H4 category?

Unless you are currently in a nonimmigrant category that does not allow a change of "status", you can apply to change to **H3** or **H4** nonimmigrant status. However, you cannot engage in activities associated with that status until your application for a change of status is approved.

An **H3** or **H4** nonimmigrant can apply to change to another nonimmigrant status.

- Information about the various other nonimmigrant categories
- More information about changing to another status

Use Form I-129 to apply for the worker. Use Form I-539 for dependents.

Back to: H3 – trainees Nonimmigrant Categories General Nonimmigrant Information Nonimmigrant Services Main Menu

Can I or my family travel outside the U.S. and return to this status?

If you have complied with all the terms and conditions of your status, and continue to qualify for **H3** status, you can usually return in the same status with a valid visa for this status and valid passport, if one is required.

- **Temporary absences count towards the H3 maximum stay**.

Dependents – If you have complied with all the terms and conditions of your status, and they also have as well, they can usually return in the same status with a valid visa and a valid passport, if one is required.

However, if any person has violated the terms and conditions of their status, it can affect whether they can return.

Can status in these categories ever be a basis to become a permanent resident?

No. In fact, to be eligible under these categories, you must plan to depart the U.S. and return to your residence abroad when your **H3** or **H4** status ends. The concept of 'dual intent' does not apply.

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Chapter 4	General Nonimmigrant Information
Unit 2	Information about the various nonimmigrant categories
H4	Dependents of H1-3 workers and trainees

OVERVIEW

This nonimmigrant category allows the husband or wife, and unmarried children of certain **H** category nonimmigrant workers receive dependent **H4** status to accompany the **H** category worker.

Dependents of 'H' category workers and trainees	
H4	Husbands, wives and unmarried children under 21 of **H** category workers and trainees

For information about the terms and conditions of **H4** status, as well as how a dependent can get a visa or status, see the appropriate **H** temporary worker or trainee category. To go there you can click on the appropriate option below.

H1B	Temporary Workers in Specialty Occupations
H2A	Temporary Agricultural Workers
H2B	Temporary skilled and unskilled workers
H3	Trainees

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Chapter 4	General Nonimmigrant Information
Unit 2	Information about the various nonimmigrant categories
I	Representatives of Foreign Information Media

OVERVIEW

This nonimmigrant category allows representatives of the foreign press, radio, film, or other foreign information media to enter solely to engage in their vocation. The home office of the employer must be in a foreign country.

Husbands, wives and unmarried children of an 'I' nonimmigrant worker may be granted 'I' dependent status to accompany the worker.

Representatives of Foreign Information media	
I	Representatives of Foreign Information Media, and their husbands, wives and unmarried children under 21

Frequently Asked Questions

- In general, what are the requirements for the I category?
- How does an employer start the process? How can I get more information?
- How long can I stay as an I?
- As an I, can my family come with me? Can they work or go to school?
- Can I or my family travel outside the U.S. and return to this status?

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In general, what are the requirements for the I category?

This nonimmigrant category allows representatives of the foreign press, radio, film, or other foreign information media to enter solely to engage in their vocation. The emphasis is on information media, not all media. Thus, for example –

- film production/distribution can be covered by this category if the film is informational or educational;
- television and private production crews for information and news purposes are included, but not for entertainment;

Commercial entertainment and advertising are not included, but the camera crew and other workers can use **B** or **H** visas if there is no remuneration pay and the film is solely for foreign distribution.

The home office of the employer must be in a foreign country. Foreign press includes a foreign press owned by U.S. shareholders if staffed in large part by non-U.S. citizens to collect information for a foreign audience.

How does an employer start the process? How can I get more information?

Given the purpose of this nonimmigrant status, the Department of State administers this program. For information, we suggest you contact them directly.

- Their website is www.state.gov.
- For other information about this program and status, we suggest you contact the nearest U.S. consulate.

How long can I stay as an I?

An **I** is admitted for duration of status (D/S) and can remain in the U.S. for the length of their assignment.

As an I, can my family come with me? Can they work or go to school?

- Your husband or wife and unmarried children under 21 can accompany you as your dependents.
- **When dependents marry or turn 21** - They will no longer be eligible for dependent status in these categories. They must apply to change to another status or depart the U.S.
- An **I** dependent cannot work in the U.S.
- **Going to school –** While in status, an **I** dependent can attend school without changing to another nonimmigrant status.

Back to: I – Representatives of Foreign Information Media | Nonimmigrant Categories | General Nonimmigrant Information | Nonimmigrant Services | Main Menu

Can I or my family travel outside the U.S. and return to this status?

If you have complied with all the terms and conditions of your status, and continue to qualify for **I** status, you can usually return in the same status with a valid visa for this status and valid passport, if one is required.

Dependents – If you have complied with all the terms and conditions of your status, and they also have as well, they can usually return in the same status with a valid visa and a valid passport, if one is required.

However, if any person has violated the terms and conditions of their status, it can affect whether they can return.

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Chapter 4	General Nonimmigrant Information
Unit 2	Information about the various nonimmigrant categories
L	Intra-company transferees

OVERVIEW

This nonimmigrant category allows a company to file to transfer qualifying employees to operations in the U.S., who have worked for the company or for its parent, subsidiary or affiliate for at least the past year. The employment for that past year, as well as the proposed employment in the U.S., must qualify as an executive or manager, or involving specialized knowledge.

Husbands, wives and unmarried children of an **L** nonimmigrant worker may be granted **L2** dependent status to accompany the worker.

Intra-company transferees	
L1A	Intra-company Transferees who are Executives and Managers
L1B	Intra-company Transferees who have qualifying specialized knowledge
L2	Husbands, wives and unmarried children under 21 of an **L1A** or **L1B** worker

Frequently Asked Questions

- In general, what are the requirements for the L category?
- How does an employer start the process? How can I get more information?
- How long can I stay as an L? Can I extend my stay?
- Can an L change jobs or change employers?
- As an L, can my family come with me? Can they work or go to school?
- Can I and/or my dependent change to/from the L category?
- Can I or my family travel outside the U.S. and return to this status?
- Can my status in these categories ever be a basis to become a permanent resident?

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In general, what are the requirements for the L category?

This nonimmigrant category, allows a company to file to transfer qualifying employees to operations in the U.S who have worked for the company, or for its parent, subsidiary or affiliate for at least the past year. The employment for that past year, as well as the proposed employment in the U.S., must qualify as an executive or manager, or involving specialized knowledge.

- **L1A** status is for qualifying executives and managers.
- **L1B** status is for employees with specialized knowledge.

How does an employer start the process? How can I get more information?

There are two steps. First, the employer must file a petition for a nonimmigrant worker on Form I-129.

If the petition is approved –

- if the worker is outside the U.S., he or she will go through the nonimmigrant visa process, and then enter as an **L** worker;
- if the worker is already here, and that was indicated in the petition, the worker can begin work for the employer as described in the employer's petition.

For more information about -

- the petition process –
  - Visit our website at www.uscis.gov and select the Temporary Workers link and then select either the L-1A or the L-1B link on the left.
  - Otherwise, the employer can call our **Employer, Business, Investor and School Services (EBISS) information line** at **1-800-357-2099**.
- visa requirements based on an approved **L** petition, we suggest the Department of State website at www.state.gov.

How long can I stay as an L? Can I extend my stay?

Effective February 14, 2012, L visas will be issued with a validity period that is based upon a U.S. Department of State reciprocity schedule. The reciprocity schedule will reflect the reciprocal treatment the U.S. receives from the applicant's home country. To see the State Department visa reciprocity schedule for your country, please visit the U.S. Department of State's website.

The State Department's visa reciprocity schedule shows the maximum length of time for which the L visa can be issued.

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Can an L change jobs or change employers?

- **Changing jobs –** An **L1A** can change jobs within the company that filed the I-129 petition if the new job continues to be in an executive or managerial capacity. An **L1B** can also change jobs within the company that filed the I-129 petition if the new job also requires specialized knowledge. A change may require a new petition. For more information, employers should call the USCIS **Employer, Business, Investor and School Services** toll-free number at 1-800-357-2099.
- **Changing employers** - An **L** worker can only work for the company that originally filed the I-129 petition, or for one of its affiliates or subsidiaries, and any change in employment must continue to be in an executive, managerial or specialized knowledge capacity. In many instances, the company must first file, and USCIS must approve a new I-129 petition.

As an L, can my family come with me? Can they work or go to school?

- Your husband or wife and unmarried children under 21 can accompany you as your dependents.
- **When dependents marry or turn 21** - They will no longer be eligible for dependent status in these categories. They must apply to change to another status or depart the U.S.
- **Working –**
- The **L2** husband or wife of an **L1A** or **L1B** can be authorized to work in the U.S. Use Form I-765 to apply. Apply under category (a)(18) in question 16 of the Form I-765.
- Other **L2** dependents cannot work in the U.S.
- **Extending their stay – L2** dependents can extend their stay to remain with the **L1A** or **L1B**. Use Form I-539 to apply. More information about extensions of stay
- **Going to school –** While in status, an **L2** can attend school without changing to another nonimmigrant status.

Can I and/or my dependent change to/from the L category?

Unless you are currently in a nonimmigrant category that does not allow a change of status, you can apply to change to **L1** or **L2** nonimmigrant status. However, you cannot engage in activities associated with that status until your application for a change of status is approved.

An **L1** or **L2** nonimmigrant can apply to change to another nonimmigrant status.

- Information about the various other nonimmigrant categories
- More information about changing to another status

Use Form I-129 to apply for the worker. Use Form I-539 for dependents.

Back to: L – Intra-Company Transferees Nonimmigrant Categories General Nonimmigrant Information Nonimmigrant Services Main Menu

Can I or my family travel outside the U.S. and return to this status?

Under current regulations, adjustment of status applicants maintaining L nonimmigrant status who depart the United States will not be deemed to have abandoned their applications, if they did not obtain advance parole prior to departure. However, upon return to the United States, they must demonstrate to the immigration officer at the port of entry that they:

- Remain eligible L-1/L-2 nonimmigrant status
- Will resume employment with the same employer for which they had previously been authorized to work as an L-1 nonimmigrant (not applicable to L-2 nonimmigrants);
- Are in possession of a valid L-1/L-2 nonimmigrant visa (if a visa is required)

Note: L-1 and L-2 are no longer required to present a form I-797 receipt notice for their adjustment of status applications upon readmission to the United States after a trip abroad in order to avoid having their applications abandoned.

However, if any person has violated the terms and conditions of their status, it can affect whether they can return.

Can status in these categories ever be a basis to become a permanent resident?

The status cannot, but the employment may be a basis to qualify to immigrate and become a permanent resident. An **L** worker can be the beneficiary of an immigrant visa petition, can apply for adjustment of status, or take other steps towards becoming a permanent resident without affecting **L** or **L2** status. This is known as "dual intent". While any application for permanent residence is pending the nonimmigrant may travel on his or her **L** visa.

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Chapter 4	General Nonimmigrant Information
Unit 2	Information about the various nonimmigrant categories
O	Persons with Extraordinary Ability and their support personnel

OVERVIEW

The The **O1** category allows an employer to file to bring a person with extraordinary ability in the arts, sciences, education, education or business or with extraordinary achievements in motion picture or television to work in the U.S. as a nonimmigrant.

The **O2** category allows the employer to also bring persons who will directly support the **O1** at a specific artistic performance or athletic event.

The **O3** category allows the dependents of **O1** and **O2** nonimmigrants to accompany them to the U.S.

Persons with Extraordinary Ability and their support personnel	
O1	Person of Extraordinary Ability
O2	Support Personnel to an O1 nonimmigrant worker
O3	Husbands, wives and unmarried children under 21 of an **O1** or **O2** nonimmigrant

Frequently Asked Questions

- In general, what are the requirements for the O category?
- How does an employer start the process? How can I get more information?
- How long can I stay as an O? Can I extend my stay?
- Can an O work for more than one employer or change employers?
- As an O, can my family come with me? Can they work, or go to school?
- Can I and/or my dependent change to/from the O categories?
- Can I or my family travel outside the U.S. and return to this status?
- Can my status in these categories ever be a basis to become a permanent resident?

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In general, what are the requirements for the O category?

The **O1** category allows an employer to file to bring a person with extraordinary ability in the arts, sciences, education, education or business, athletics or with extraordinary achievements in motion picture or television to work in the U.S. as a nonimmigrant.

- **Extraordinary ability** means a level of expertise and recognition that shows a high level of achievement, or that the person is one of few who have risen to the very top of the field of endeavor.

The **O2** category allows the employer to also bring persons who will directly support the **O1** at a specific artistic performance or athletic event.

How does an employer start the process? How can I get more information?

There are two steps. First, the employer files a petition for the **O** nonimmigrant worker on Form I-129. An **O** petition may only be filed by a U.S. employer, a U.S. agent, or a foreign employer through a U.S. agent.

If the petition is approved –

- if the worker is outside the U.S., he or she will go through the nonimmigrant visa process, and then enter as an **O** worker;
- if the worker is already here, and that was indicated in the petition, the worker can begin work for the employer as described in the employer's petition.

For more information about -

- the petition process –
  - Visit our website at www.uscis.gov and select the Temporary Workers link for further information about the O-1 visa classification.
  - Otherwise, the employer can call our **Employer, Business, Investor and School Services (EBISS) information line** at **1-800-357-2099**.
- visa requirements based on an approved **O** petition, we suggest the Department of State website at www.state.gov.

How long can I stay as an O? Can I extend my stay?

- **Initial status –** An **O** is normally admitted for a period of time necessary to accomplish the event or activity, not to exceed 3 years, plus up to 10 days before the validity period of the petition and up to 10 days after the petition expires.
- **Maximum stay - O** workers can be granted extensions of stay in 12-month increments based on subsequent I-129 petitions filed by employers. There is no actual maximum cutoff on the length of time an **O** can work in the U.S.

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Can an O work for more than one employer or change employers?

- **Changing employers-** An **O** worker can change employers, but first the new employer must file a new **O** petition, and USCIS must approve the petition. An **O2** can only change employers in conjunction with the **O1**'s change to the same new employer.
- **Multiple employers -** An **O** worker is allowed to work for more than one employer at a time. However, each employer must follow the process in applying for an **O**, and the employment cannot start until USCIS approve the petition.

As an O, can my family come with me? Can they work or go to school?

- Your husband or wife and unmarried children under 21 can accompany you as your dependents.
- **When dependents marry or turn 21 -** They will no longer be eligible for dependent status in these categories. They must apply to change to another status or depart the U.S.
- **Working – O3** dependents cannot work in the U.S.
- **Extending their stay – O3** dependents can extend their stay to remain with the **O**. Use Form I-539 to apply. More information about extensions of stay
- **Going to school –** While in status, an **O3** can attend school without changing to another nonimmigrant status.

Can I and/or my dependent change to/from the O category?

Unless you are currently in a nonimmigrant category that does not allow a change of status, you can apply to change to **O** nonimmigrant status. However, you cannot engage in activities associated with that status until your application for a change of status is approved.

O1, **O2** and **O3** nonimmigrants can apply to change to another nonimmigrant status.

- Information about the various other nonimmigrant categories
- More information about changing to another status

Use Form I-129 to apply for the worker. Use Form I-539 for dependents.

Back to O – persons with extraordinary ability and their support personnel | Nonimmigrant Services | Nonimmigrant Categories | Main Menu | General Nonimmigrant Information

Can I or my family travel outside the U.S. and return to this status?

If you have complied with all the terms and conditions of your status, and continue to qualify for **O** status, you can usually return in the same status with a valid visa for this status and valid passport, if one is required.

Dependents – If you have complied with all the terms and conditions of your status, and they also have as well, they can usually return in the same status with a valid visa and a valid passport, if one is required.

However, if any person has violated the terms and conditions of their status, it can affect whether they can return.

Can status in these categories ever be a basis to become a permanent resident?

The approval of a permanent labor certification or the filing of an immigrant petition for an O-1 nonimmigrant shall not be the basis for denying an O-1 nonimmigrant petition, a request to extend such a petition, or the alien's admission, change of status, or extension of stay. The alien may legitimately come to the U.S. for a temporary period and depart voluntarily at the end of his or her authorized stay and, at the same time, lawfully seek to become a permanent resident of the U.S. This provision does not apply to essential support personnel of O-1 nonimmigrants.

Back to O – persons with extraordinary ability and their support personnel | Nonimmigrant Categories | General Nonimmigrant Information
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Chapter 4	General Nonimmigrant Information
Unit 2	Information about the various nonimmigrant categories
P1	Internationally Recognized Athletes and Entertainers, and Certain Other Athletes and Entertainers

OVERVIEW

The **P1** nonimmigrant category allows an employer to file for individuals who are internationally recognized athletes, athletic teams and entertainment groups and their essential support personnel, to work in the U.S. temporarily at specific events. This nonimmigrant category also includes certain other athletes and entertainers—for a detailed definition of this latter group please see, "In general, what are the requirements for the P-1 category?" under 'Frequently Asked Questions', below.

The **P4** category allows the dependents of **P1** nonimmigrant workers to accompany them to the U.S.

Internationally recognized Athletes and Entertainers	
P1	Internationally recognized Athletes and Entertainers, and Certain Other Athletes and Entertainers
P4	Husbands, wives and unmarried children under 21 of **P1** nonimmigrants

Frequently Asked Questions

- In general, what are the requirements for the P1 category?
- How does an employer start the process? How can I get more information?
- How long can I stay as a P1? Can I extend my stay?
- Can a P1 athlete be traded?
- Can a P1 work in more in more than one location, for more than one employer, or change employers?
- As a P1, can my family come with me? Can they work or go to school?
- Can I and/or my dependent change to/from the P1 or P4 categories?
- Can I or my family travel outside the U.S. and return to this status?
- Can my status in these categories ever be a basis to become a permanent resident?

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In general, what are the requirements for the P1 category?

The **P1** category allows an employer to file to bring internationally recognized athletes, athletic teams, entertainers, entertainment groups and their essential support personnel to work in the U.S. temporarily at specific events, as well as certain other athletes and entertainers.

- **Internationally recognized**, means a high level of achievement in a field as shown by a degree of skill and recognition substantially above that ordinarily encountered to the extent that such achievement is renowned, leading, or well known in more than one country.
  - **Athletes and athletic teams** must have an internationally recognized international reputation, and must be coming to participate in an athletic competition that has a distinguished reputation and requires international reputations of participants.
  - **Entertainers and entertainment groups**, must be internationally recognized as outstanding and must be coming to perform services that require an internationally recognized entertainer or group.

- Certain other athletes and entertainers (who do not need to meet the "internationally recognized level of performance" standard):
  - An individual athlete on an athletic team that is a member of a regulating association of 6 or more professional sports teams whose total combined revenues exceed 10 million per year.
  - Individual coaches and athletes performing with teams in the U.S. that are part of an international league or association of 15 or more amateur sports teams if: 1) the league is operating at the "highest level of amateur performance" in the relevant foreign country, 2) participating in that league renders the players ineligible to get a scholarship to play at the collegiate level in the U.S., and 3.) a significant number of the players in the league are drafted to play for major or minor league teams in the U.S.
  - Amateur and professional ice skaters who perform in theatrical ice skating productions seeking to enter the U.S. to skate in a competition or a theatrical production.

The **P1** category includes a **P1's essential support personnel –** persons who are an essential and integral part of the performance of a P-1 because he or she performs support services that cannot be readily performed by a U.S. worker and that are essential to the successful performance of the **P1**.

How does an employer start the process? How can I get more information?

There are two steps. First, the employer files a petition for the **P1** nonimmigrant worker on Form I-129. A **P1** petition may only be filed by a U.S. employer, a U.S. agent, or a foreign employer through a U.S. agent.

If the petition is approved –

- if the worker is outside the U.S., he or she will go through the nonimmigrant visa process, and then enter as a **P1** worker;
- if the worker is already here, and that was indicated in the petition, the worker can begin work for the employer as described in the employer's petition.

For more information about -

- the petition process –
  - Visit our website at www.uscis.gov and select the Temporary Workers link and then select either the P-1A or the P-1B link to the left.
  - Otherwise, the employer can call our **Employer, Business, Investor and School Services (EBISS) information line** at **1-800-357-2099**.
  - visa requirements based on an approved **P1** petition, we suggest the Department of State website at www.state.gov.

Back to P1 – internationally recognized athletes and entertainers | Nonimmigrant Services | Nonimmigrant Categories | Main Menu | General Nonimmigrant Information

How long can I stay as a P1? Can I extend my stay?

- **Initial status –** A **P1** is normally admitted for a period necessary to accomplish the event or activity, plus up to 10 days before the validity period of the petition and up to 10 days after the petition expires. **P1 athletes** can be granted initial status for up to 10 years. **Other P1**'s can be granted initial status for up to I year.
- **Maximum stay – P1** workers can be granted extensions of stay in 12-month increments based on subsequent I-129 petitions filed by employers. The maximum stay for a **P1 athlete** is 10 years. There is no actual maximum cutoff on the length of time other **P1**'s can work in the U.S.

Can a P1 athlete be traded?

An individual athlete who is a **P1** can be traded. When traded, the **P1**'s status will automatically continue for 30 days after the trade to allow the new employer to file a new **P1** petition on Form I-129.

Can a P1 work for more than one employer or change employers?

- **Multiple locations -** A **P1** can work in more than one location, if listed in the itinerary included with the **P1** petition.
- **Changing employers-** A **P1** worker can change employers, but first the new employer must file a new **P1** petition, and we must approve the petition.
- **Multiple employers -** A **P1** worker is allowed to work for more than one employer at a time. However, each employer must follow the process in applying for a **P1**, and the employment cannot start until we approve the petition.

As a P1, can my family come with me? Can they work or go to school?

- Your husband or wife and unmarried children under 21 can accompany you as your dependents.
- **When dependents marry or turn 21 -** They will no longer be eligible for dependent status in these categories. They must apply to change to another status or depart the U.S.
- **Working – P4** dependents cannot work in the U.S.
- **Extending their stay – P4** dependents can extend their stay to remain with the **P1**. Use Form I-539 to apply. More information about extensions of stay
- **Going to school –** While in status, a **P4** can attend school without changing to another nonimmigrant status.

Back to P1 – internationally recognized athletes and entertainers | Nonimmigrant Services | Nonimmigrant Categories | Main Menu | General Nonimmigrant Information

Can I and/or my dependent change to/from the P1 or P4 category?

Unless you are currently in a nonimmigrant category that does not allow a change of status, you can apply to change to **P1** or **P4** nonimmigrant status. However, you cannot engage in activities associated with that status until your application for a change of status is approved.

P1's can apply to change to another nonimmigrant status.

- Information about the various other nonimmigrant categories
- More information about changing to another status

Use Form I-129 to apply for the worker. Use Form I-539 for dependents.

Can I or my family travel outside the U.S. and return to this status?

If you have complied with all the terms and conditions of your status, and continue to qualify for **P1** status, you can usually return in the same status with a valid visa for this status and valid passport, if one is required.

- **Temporary absences count towards the P1 maximum stay**.

Dependents – If you have complied with all the terms and conditions of your status, and they also have as well, they can usually return in the same status with a valid visa and a valid passport, if one is required.

However, if any person has violated the terms and conditions of their status, it can affect whether they can return.

Can status in these categories ever be a basis to become a permanent resident?

The approval of a permanent labor certification or the filing of an immigrant petition for a P-1 nonimmigrant shall not be the basis for denying a P-1 nonimmigrant petition, a request to extend such a petition, or the alien's admission, change of status, or extension of stay. The alien may legitimately come to the U.S. for a temporary period and depart voluntarily at the end of his or her authorized stay and, at the same time, lawfully seek to become a permanent resident of the U.S. This provision does not apply to essential support personnel of P-1 nonimmigrants.

Back to P1 – internationally recognized athletes and entertainers | Nonimmigrant Services | Nonimmigrant Categories | Main Menu | General Nonimmigrant Information

Chapter 4	General Nonimmigrant Information
Unit 2	Information about the various nonimmigrant categories
P2	Artists and Entertainers pursuant to Exchange Agreements

OVERVIEW

The **P2** nonimmigrant category allows an employer to file to file for artists and entertainers, who work individually or as part of an established group, and their essential support personnel, to work temporarily in the U.S. for a period of time at specific events under a reciprocal exchange agreement between the organization in the U.S. and organizations in a foreign country.

The **P4** category allows the dependents of **P2** nonimmigrant workers to accompany them to the U.S.

Artists and Entertainers pursuant to Exchange Agreements	
P2	Artists and Entertainers, based on exchange agreements
P4	Husbands, wives and unmarried children under 21 of **P2** nonimmigrants

Frequently Asked Questions

- In general, what are the requirements for the P2 category?
- How does an employer start the process? How can I get more information?
- How long can I stay as a P2? Can I extend my stay?
- Can a P2 work in more in more than one location, for more than one employer, or change employers?
- As a P2, can my family come with me? Can they work or go to school?
- Can I and/or my dependent change to/from the P2 or P4 categories?
- Can I or my family travel outside the U.S. and return to this status?
- Can my status in these categories ever be a basis to become a permanent resident?

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In general, what are the requirements for the P2 category?

The **P2** category allows an employer to bring artists and entertainers, who work individually or as part of an established group, and their essential support personnel, to work temporarily in the U.S. for a period of time at specific events under a reciprocal exchange agreement between the organization in the U.S. and organizations in a foreign country.

The **P2** category includes a **P2's essential support personnel –** persons who are an essential and integral part of the performance of a P-2 because he or she performs support services that cannot be readily performed by a U.S. worker and that are essential to the successful performance of the **P2**.

How does an employer start the process? How can I get more information?

There are two steps. First, the employer files a petition for the **P2** nonimmigrant worker on Form I-129. A **P2** petition may only be filed by a U.S. employer, a U.S. agent, or a foreign employer through a U.S. agent.

If the petition is approved –

- if the worker is outside the U.S., he or she will go through the nonimmigrant visa process, and then enter as a **P2** worker;
- if the worker is already here, and that was indicated in the petition, the worker can begin work for the employer as described in the employer's petition.

For more information about -

- the petition process –
  - Visit our website at www.uscis.gov and select the Temporary Workers link for further information about the P-2 visa classification.
  - Otherwise, the employer can call our **Employer, Business, Investor and School Services (EBISS) information line** at **1-800-357-2099**.
- visa requirements based on an approved **P2** petition, we suggest the Department of State website at www.state.gov.

How long can I stay as a P2? Can I extend my stay?

- **Initial status –** A **P2** is normally admitted for a period necessary to accomplish the event or activity plus up to 10 days before the validity period of the petition and up to 10 days after the petition expires.
- **Maximum stay – P2** workers can be granted extensions of stay in 12-month increments based on subsequent I-129 petitions filed by employers. There is no limit on how long a **P2** can stay and work.

Back to P2 – artists and entertainers pursuant to Exchange Agreements | Nonimmigrant Categories | General Nonimmigrant Information
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Can a P2 work for more than one employer, or change employers?

- **Multiple locations -** A **P2** can work in more than one location, if listed in the itinerary included with the **P2** petition.
- **Changing employers-** A **P2** worker can change employers, but first the new employer must file a new **P2** petition, and USCIS must approve the petition.
- **Multiple employers -** A **P2** worker is allowed to work for more than one employer at a time. However, each employer must follow the process in applying for a **P2**, and the employment cannot start until USCIS approves the petition.

As a P2, can my family come with me? Can they work, or go to school?

- Your husband or wife and unmarried children under 21 can accompany you as your dependents.
- **When dependents marry or turn 21 -** They will no longer be eligible for dependent status in these categories. They must apply to change to another status or depart the U.S.
- **Working – P4** dependents cannot work in the U.S.
- **Extending their stay – P4** dependents can extend their stay to remain with the **P2**. Use Form I-539 to apply. More information about extensions of stay
- **Going to school –** While in status, a **P4** can attend school without changing to another nonimmigrant status.

Can I and/or my dependent change to/from the P2 or P4 category?

Unless you are currently in a nonimmigrant category that does not allow a change of status, you can apply to change to **P2** or **P4** nonimmigrant status. However, you cannot engage in activities associated with that status until your application for a change of status is approved.

P2's can apply to change to another nonimmigrant status.

- Information about the various other nonimmigrant categories
- More information about changing to another status

Use Form I-129 to apply for the worker. Use Form I-539 for dependents.

Back to P2 – artists and entertainers pursuant to Exchange Agreements | Nonimmigrant Categories | General Nonimmigrant Information
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Can I or my family travel outside the U.S. and return to this status?

If you have complied with all the terms and conditions of your status, and continue to qualify for **P2** status, you can usually return in the same status with a valid visa for this status and valid passport, if one is required.

Dependents - If you have complied with all the terms and conditions of your status, and they have as well, they can usually return in the same status with a valid visa and a valid passport, if one is required.

However, if any person has violated the terms and conditions of their status, it can affect whether they can return.

Can status in these categories ever be a basis to become a permanent resident?

The approval of a permanent labor certification or the filing of an immigrant petition for a P-2 nonimmigrant shall not be the basis for denying a P-2 nonimmigrant petition, a request to extend such a petition, or the alien's admission, change of status, or extension of stay. The alien may legitimately come to the U.S. for a temporary period and depart voluntarily at the end of his or her authorized stay and, at the same time, lawfully seek to become a permanent resident of the U.S. This provision does not apply to essential support personnel of P-2 nonimmigrants.

Back to P2 – artists and entertainers pursuant to Exchange Agreements | Nonimmigrant Categories | General Nonimmigrant Information
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Chapter 4	General Nonimmigrant Information
Unit 2	Information about the various nonimmigrant categories
P3	Culturally unique Artists and Entertainers

OVERVIEW

The **P3** nonimmigrant category allows an employer to file for artists and entertainers, who perform individually or as part of established groups, to teach or coach in the U.S. temporarily in a program that is culturally unique.

The **P4** category allows the dependents of **P3** nonimmigrant workers to accompany them to the U.S.

Culturally unique Artists and Entertainers	
P3	Culturally unique Artists and Entertainers
P4	Husbands, wives and unmarried children under 21 of P3 nonimmigrants

Frequently Asked Questions

- In general, what are the requirements for the P3 category?
- How does an employer start the process? How can I get more information?
- How long can I stay as a P3? Can I extend my stay?
- Can a P3 work in more in more than one location, for more than one employer, or change employers?
- As a P3, can my family come with me? Can they work or go to school?
- Can I and/or my dependent change to/from the P3 or P4 categories?
- Can I or my family travel outside the U.S. and return to this status?
- Can my status in these categories ever be a basis to become a permanent resident?

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In general, what are the requirements for the P3 category?

The **P3** category allows an employer to bring artists and entertainers, who perform individually or as established groups, to teach or coach in the U.S. temporarily in a program that is culturally unique.

- Culturally unique, means a style of artistic expression, methodology, or medium that is unique to a particular country, nation, society, class, ethnicity, religion, tribe, or other group of persons. The artist or entertainer must be coming to the U.S. to participate in a cultural event or events that will further the understanding or development of his or her art form. The event or events must be for the purpose of developing, interpreting, representing, coaching, or teaching a unique or traditional ethnic, folk, cultural, musical, theatrical, or artistic performance or presentation.

The **P3** category includes a **P3**'s **essential support personnel**, persons who are an essential and integral part of the performance of a **P3** because s/he performs support services which cannot be readily performed by a U.S. worker and which are essential to the successful performance of the **P3**.

How does an employer start the process? How can I get more information?

There are two steps. First, the employer files a petition for the **P3** nonimmigrant worker on Form I-129. A **P3** petition may only be filed by a U.S. employer, a U.S. agent, or a foreign employer through a U.S. agent.

If the petition is approved –

- if the worker is outside the U.S., he or she will go through the nonimmigrant visa process, and then enter as a **P3** worker;
- if the worker is already here, and that was indicated in the petition, the worker can begin work for the employer as described in the employer's petition.

For more information about -

- the petition process –
  - Visit our website at www.uscis.gov and select the Temporary Workers link for further information about the P-3 visa classification.
  - Otherwise, the employer can call our **Employer, Business, Investor and School Services (EBISS) information line** at **1-800-357-2099**.
- visa requirements based on an approved **P3** petition, we suggest the Department of State website at www.state.gov.

How long can I stay as a P3? Can I extend my stay? Can I travel outside the U.S. and return?

- **Initial status –** A **P3** is normally admitted for a period necessary to accomplish the event or activity plus up to 10 days before the validity period of the petition and up to 10 days after the petition expires.
- **Maximum stay – P3 workers** can be granted extensions of stay in 12-month increments based on subsequent I-129 petitions filed by employers. There is no limit on how long a **P3** can stay and work.

Back to: P3 – culturally unique artists and entertainers | Nonimmigrant Categories | General Nonimmigrant Information
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Can a P3 work for more than one employer or change employers?

- **Multiple locations -** A **P3** can work in more than one location, if listed in the itinerary included with the **P2** petition.
- **Changing employers-** A **P3** worker can change employers, but first the new employer must file a new **P2** petition, and USCIS must approve the petition.
- **Multiple employers -** A **P3** worker is allowed to work for more than one employer at a time. However, each employer must follow the process in applying for a **P3**, and the employment cannot start until USCIS approves the petition.

As a P3, can my family come with me? Can they work or go to school?

- Your husband or wife and unmarried children under 21 can accompany you as your dependents.
- **When dependents marry or turn 21 -** They will no longer be eligible for dependent status in these categories. They must apply to change to another status or depart the U.S.
- **Working – P4** dependents cannot work in the U.S.
- **Extending their stay – P4** dependents can extend their stay to remain with the **P3**. Use Form I-539 to apply. More information about extensions of stay
- **Going to school –** While in status a **P4** can attend school without changing to another nonimmigrant status.

Can I and/or my dependent change to/from the P3 or P4 category?

Unless you are currently in a nonimmigrant category that does not allow a change of status, you can apply to change to **P3** or **P4** nonimmigrant status. However, you cannot engage in activities associated with that status until your application for a change of status is approved.

P3's can apply to change to another nonimmigrant status.

- Information about the various other nonimmigrant categories
- More information about changing to another status

Use Form I-129 to apply for the worker. Use Form I-539 for dependents.

Back to: P3 – culturally unique artists and entertainers | Nonimmigrant Categories | General Nonimmigrant Information
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Can I or my family travel outside the U.S. and return to this status?

If you have complied with all the terms and conditions of your status, and continue to qualify for **P3** status, you can usually return in the same status with a valid visa for this status and valid passport, if one is required.

Dependents - If you have complied with all the terms and conditions of your status, and they also have as well, they can usually return in the same status with a valid visa and a valid passport, if one is required.

However, if any person has violated the terms and conditions of their status, it can affect whether they can return.

Can status in these categories ever be a basis to become a permanent resident?

The approval of a permanent labor certification or the filing of an immigrant petition for a P-3 nonimmigrant shall not be the basis for denying a P-3 nonimmigrant petition, a request to extend such a petition, or the alien's admission, change of status, or extension of stay. The alien may legitimately come to the U.S. for a temporary period and depart voluntarily at the end of his or her authorized stay and, at the same time, lawfully seek to become a permanent resident of the U.S. This provision does not apply to essential support personnel of P-3 nonimmigrants.

Back to: P3 – culturally unique artists and entertainers | Nonimmigrant Categories | General Nonimmigrant Information
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Chapter 4	General Nonimmigrant Information
Unit 2	Information about the various nonimmigrant categories
P4	Dependents of 'P' athletes, artists and entertainers

OVERVIEW

The **P4** category allows the dependents of **P1**, **P2** and **P3** athletes, artists and entertainers to accompany them to the U.S.

Dependents of 'P' athletes, artists and entertainers	
P4	Husbands, wives and unmarried children under 21 of **P1**, **P2** and **P3** nonimmigrants

For information about the terms and conditions of **P4** status, as well as how a dependent can get a visa or status, see the appropriate **P** worker category. To go there, you can click on the appropriate option below.

P1	Internationally recognized athletes and entertainers
P2	Artists and entertainers pursuant to Exchange Agreements
P3	Culturally unique artists and entertainers

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Chapter 4	General Nonimmigrant Information
Unit 2	Information about the various nonimmigrant categories
Q1	International Cultural Exchange Visitors

OVERVIEW

The **Q1** category allows an employer to file for participants in an international cultural exchange program to the U.S. for training and to work for a maximum of 15 months.

There is no corresponding category for the dependents of a **Q1** to accompany the **Q1**.

International Cultural Exchange Visitors	
Q1	Participant in an international cultural exchange program

Frequently Asked Questions

- In general, what are the requirements for the Q category?
- How does an employer start the process? How can I get more information?
- How long can I stay as a Q1? Can I extend my stay?
- Can a Q1 work in more in more than one location, for more than one employer, or change employers?
- As a Q1, can my family come with me? Can they work or go to school?
- Can I change to/from the Q categories?
- Can I travel outside the U.S. and return to this status?
- Can my status in these categories ever be a basis to become a permanent resident?

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In general, what are the requirements for the Q category?

The **Q1** category allows an employer to file for participants in an international cultural exchange program to the U.S., for training and to work for a maximum of 15 months.

In order to qualify as an international cultural exchange program the program must -

- be accessible to the public by taking place in a school, museum, business or other establishment where the American public, or a segment of the public sharing a common cultural interest, is exposed to aspects of a foreign culture as part of a structured program; and
- have a cultural component, which is an essential and integral part of the international cultural exchange visitor's employment or training, and which is designed to exhibit or explain the attitude, customs, history, heritage, philosophy, or traditions of the international cultural exchange visitor's country.

The international cultural exchange visitor's employment or training in the U.S. cannot be independent of the cultural component of the international cultural exchange program. The work must serve as the vehicle to achieve the objectives of the cultural component.

How does an employer start the process? How can I get more information?

There are two steps. First, the employer files a petition for the **Q** nonimmigrant worker on Form I-129. A **Q** petition may only be filed by a U.S. employer, a U.S. agent, or a foreign employer through a U.S. agent.

If the petition is approved –

- if the worker is outside the U.S., he or she will go through the nonimmigrant visa process, and then enter as a **Q** worker;
- if the worker is already here, and that was indicated in the petition, the worker can begin work for the employer as described in the employer's petition.

For more information about

- the petition process –
  - Visit our website at www.uscis.gov and select the Temporary Workers link for further information about the Q visa classification.
  - Otherwise the employer can call our **Employer, Business, Investor and School Services (EBISS) information line** at **1-800-357-2099**.
- For visa requirements based on an approved **Q** petition, we suggest the Department of State website at www.state.gov.

How long can I stay as a Q1? Can I extend my stay?

- **Initial status –** A **Q1** is normally admitted for a period necessary to accomplish the event or activity, with a maximum admission and maximum stay of 15 months.
- **Maximum stay – Q1**'s can be granted extensions of stay based on subsequent I-129 petitions filed by employers, but **Q1**'s are limited to a maximum stay of 15 months.

Back to: Q1 – international cultural exchange visitors | Nonimmigrant Categories | General Nonimmigrant Information
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Can a Q1 work for more than one employer, or change employers?

- **Multiple locations -** A **Q1** can work in more than one location, if listed in the itinerary included with the **Q1** petition.
- **Changing employers-** A **Q1** can change employers, but first the new employer must file a new **Q1** petition, and USCIS must approve the petition before the proposed activities can begin. A change in employers does not affect the overall 15 month limit on the period a **Q1** can stay in the U.S.
- **Multiple employers -** A **Q1** worker is allowed to work for more than one employer at a time. However, each employer must follow the process in applying for a **Q1**, and the employment cannot start until USCIS approves the petition.

As a Q1, can my family come with me? Can they work, travel or go to school?

There is no corresponding category for the dependents of a **Q1**. Unless they qualify for a nonimmigrant status on their own, they may not accompany you to the U.S.

Can I change to/from the Q category?

Unless you are currently in a nonimmigrant category that does not allow a change of status, you can apply to change to **Q** nonimmigrant status. However, you cannot engage in activities associated with that status until your application for a change of status is approved.

Q's can apply to change to another nonimmigrant status.

- Information about the various other nonimmigrant categories
- More information about changing to another status

Use Form I-129 to apply.

Can I travel outside the U.S. and return to this status?

If you have complied with all the terms and conditions of your status, and continue to qualify for **Q1** status, you can usually return in the same status with a valid visa for this status and valid passport, if one is required.

- **Temporary absences count towards the maximum stay**.

However, if any person has violated the terms and conditions of their status, it can affect whether they can return.

Can status in these categories ever be a basis to become a permanent resident?

No. In fact, to be eligible under these categories, you must plan to depart the U.S. and return to your residence abroad when your **Q** status ends. The concept of 'dual intent' does not apply.

Back to: Q1 – international cultural exchange visitors | Nonimmigrant Categories | General Nonimmigrant Information
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Chapter 4	General Nonimmigrant Information
Unit 2	Information about the various nonimmigrant categories
R	Temporary Religious Workers

OVERVIEW

The **R1** category allows a non-profit religious organization to bring qualifying persons to the U.S., to serve temporarily as a minister of the religious denomination or to work for the religious organization in a professional category. The individual must have been a member of the religious denomination for at least the past two years.

The **R2** category allows qualifying dependents of **R1** nonimmigrant workers to accompany them to the U.S.

International Cultural Exchange Visitors	
R1	Temporary Religious Workers
R2	Husbands, wives and unmarried children under 21 of **R1** nonimmigrants

Frequently Asked Questions

- In general, what are the requirements for the R category?
- How does an employer start the process? How can I get more information?
- How long can I stay as an R1? Can I extend my stay?
- Can an R1 work in more than one location, for more than one employer, or change employers?
- As an R1, can my family come with me? Can they work or go to school?
- Can I and/or my dependent change to/from the R categories?
- Can I or my family travel outside the U.S. and return to this status?
- Can my status in these categories ever be a basis to become a permanent resident?

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In general, what are the requirements for the R category?

The **R1** category allows a non-profit religious organization to bring qualifying persons to the U.S. who have been members of religious denomination for at least 2 years, to serve temporarily as ministers of mentioned religious denominations, or to work for a religious organization in a professional category, which means an activity in a religious vocation or occupation for which the minimum of a U.S. baccalaureate degree or a foreign equivalent degree is required. In addition, R-1 visa applicants must obtain an approved Form I-129 Petition from USCIS before issuance of a R-1 visa.

How does an employer start the process? How can I get more information?

The employer begins the process by filing Form I-129, Petition for Nonimmigrant Worker, with USCIS. If the worker is already in the U.S. in a valid nonimmigrant status and is seeking to change to R-1 status, the employer must still submit Form I-129.

- For more information about visa requirements, we suggest the Department of State website at www.state.gov.
- Visit our website at www.uscis.gov and select the Temporary Workers link for further information about the R-1 visa classification.
- Employers interested in more information about how to change the status of an employee to **R1**, or about how to apply for an extension of stay can call our **Employer, Business, Investor and School Services (EBISS) information line** at **1-800-357-2099**.

How long can I stay as a R1? Can I extend my stay? Can I travel outside the U.S. and return?

- **Initial status –** A **R1** is normally admitted for a period necessary to accomplish the activity, with a maximum initial status of 3 years.
- **Maximum stay – R1** workers can be granted extensions of stay for up to 30 months based on subsequent I-129 petitions filed by employers, with total maximum stay as an **R1** limited to 5 years.

Can a R1 work for more than one employer or change employers?

- **Changing employers-** A **R1** worker can change employers, but first the new employer must file a new **R1** petition, and USCIS must approve the petition.
- **Multiple employers -** A **R1** worker is allowed to work for more than one religious organization at a time. However, each employer must follow the process in applying for a **R1**, and the employment cannot start until we approve the petition.

Back to: R – temporary religious workers Nonimmigrant Categories General Nonimmigrant Information Nonimmigrant Services Main Menu

As an R1, can my family come with me? Can they work or go to school?

- Your husband or wife and unmarried children under 21 can accompany you as your dependents.
- **When dependents marry or turn 21** - they will no longer be eligible for dependent status in these categories. They must apply to change to another status or depart the U.S.
- **Working – R2** dependents cannot work in the U.S.
- **Extending their stay – R2** dependents can extend their stay to remain with the **R2**. Use Form I-539 to apply. More information about extensions of stay
- **Going to school –** While in status an **R2** can attend school without changing to another nonimmigrant status.

Can I and/or my dependent change to/from the R category?

Unless you are currently in a nonimmigrant category that does not allow a change of status, you can apply to change to **R** nonimmigrant status. However, you cannot engage in activities associated with that status until your application for a change of status is approved.

R's can apply to change to another nonimmigrant status.

- Information about the various other nonimmigrant categories
- More information about changing to another status

Use Form I-129 to apply for the worker. Use Form I-539 for dependents.

Can I or my family travel outside the U.S. and return to this status?

If you have complied with all the terms and conditions of your status, and continue to qualify for **R** status, you can usually return in the same status with a valid visa for this status and valid passport, if one is required.

Dependents - If you have complied with all the terms and conditions of your status, and they also have as well, they can usually return in the same status with a valid visa and a valid passport, if one is required.

However, if any person has violated the terms and conditions of their status, it can affect whether they can return.

Can status in these categories ever be a basis to become a permanent resident?

The approval of a permanent labor certification or the filing of an immigrant petition for a R nonimmigrant shall not be the basis for denying a R nonimmigrant petition, a request to extend such a petition, or the alien's admission, change of status, or extension of stay. The alien may legitimately come to the U.S. for a temporary period and depart voluntarily at the end of his or her authorized stay and, at the same time, lawfully seek to become a permanent resident of the U.S. This provision does not apply to essential support personnel of R nonimmigrants.

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Chapter 4	General Nonimmigrant Information
Unit 2	Information about the various nonimmigrant categories
TN1, TD	Canadian professionals under NAFTA

OVERVIEW

The North American Free Trade Agreement (NAFTA) streamlined procedures to allow certain professional workers to temporarily work in the U.S. There are currently two nonimmigrant categories based on NAFTA: **TN1** for Canadian professionals and **TN2** for Mexican professionals.

The **TD** category allows qualifying dependents of **TN** workers to accompany them to the U.S.

Professionals under NAFTA	
TN1	NAFTA qualifying professionals from Canada
TD	Husbands, Wives and children of a **TN** nonimmigrant

Frequently Asked Questions

- In general, what are the requirements for the TN1 category?
- How do I start the process? How can I get more information?
- How long can I stay as a TN1? Can I extend my stay?
- Can a TN1 work for more than one employer or change employers?
- As a TN1, can my family come with me? Can they work or go to school?
- Can I and/or my dependent change to/from the TN1 or TD categories?
- Can I or my family travel outside the U.S. and return to this status?
- Can my status in these categories ever be a basis to become a permanent resident?

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In general, what are the requirements for the TN1 category?

The **TN1** category relates to streamlined procedures under NAFTA (the North American Free Trade Agreement), to allow certain Canadian professional workers to temporarily work in the U.S.

NAFTA covers a wide variety of professional occupations. Customers can directly access the current NAFTA professional job series listing at www.travel.state.gov.

How do I start the process? How can I get more information?

A Canadian citizen seeking admission as a TN nonimmigrant needs to show evidence of Canadian citizenship, a job offer letter from a U.S. employer offering a job included on the NAFTA list. If the Canadian citizen earned a degree from a university located outside the US, Mexico or Canada, the applicant must provide a credentials evaluation from a reliable evaluation service specializing in evaluating foreign educational credentials. The prospective employee can apply for admission to the U.S. with an immigration officer at a U.S. port of entry. A prospective U.S. based employer does not have to file any paperwork on behalf of a Canadian citizen seeking TN status; they only need to supply a letter offering the prospective employee a job in the United States, which is included on the NAFTA job list.

For more information -

- We recommend the Department of State's website at www.travel.state.gov.
- Visit our website at www.uscis.gov and select the Temporary Workers link for further information about the TN visa classification.
- Otherwise the employer can call our **Employer, Business, Investor and School Services (EBISS) information line** at **1-800-357-2099**.

A Canadian citizen seeking **TN** status must present documentary evidence when applying to enter the U.S. such as -

- the letter described above from the prospective employer;
- a copy of their college degree and employment records which establish their qualifications for the prospective job; and
- evidence of Canadian citizenship.

He or she can apply to enter the U.S. with this documentation at a designated U.S. land border port of entry, a U.S. international airport, or at a U.S. pre-clearance/pre-flight station. **For more information** about evidence and places where you can apply to enter the U.S., we recommend the U.S. Customs and Border Protection website at www.cbp.gov.

Alternatively, effective October 1, 2012, employers have the option of filing a Form I-129, Petition for Nonimmigrant Worker, with USCIS on behalf of Canadian citizens seeking TN status who are outside the U.S. Please see our TN NAFTA Professionals Webpage for more information.

Back to: Canadian professionals under NAFTA Nonimmigrant Categories General Nonimmigrant Information Nonimmigrant Services Main Menu

How long can I stay as a TN1? Can I extend my stay?

- **Initial status –** A **TN1** is normally admitted for a period not to exceed one year.
- **Maximum stay –** A **TN1** can be granted extensions of stay in 12-month increments. To receive an extension, the employer in the U.S. should use Form I-129, Petition for a Nonimmigrant Worker, to apply to extend the worker's status. There is no absolute limit on the length of **TN1** status. However, this is a nonimmigrant status, and the **TN1** must plan to return to Canada to live once **TN1** status ends.

Can a TN1 work for more than one employer or change employers?

- **Changing employers**- A **TN1** worker can change employers, but first the new employer must file a new **TN1** petition on Form I-129, and USCIS must first approve the petition.
- **Multiple employers** - A **TN1** worker is allowed to work for more than one employer at a time. However, each employer must file a **TN1** petition on Form I-129, and the employment cannot start until USCIS approves the petition.

As a TN1, can my family come with me? Can they work or go to school?

- Your husband or wife and unmarried children under 21 can accompany you as your dependents. They should apply for **TD** visas at the nearest U.S. consulate or for status at a designated Port-of-Entry into the U.S.
- **When dependents marry or turn 21** - They will no longer be eligible for dependent status in these categories. They must apply to change to another status or depart the U.S.
- **Working – TD** dependents cannot work in the U.S.
- **Extending their stay – TD** dependents can extend their stay to remain with the **TN**. Use Form I-539 to apply. More information about extensions of stay
- **Going to school –** While in status a **TD** can attend school without changing to another nonimmigrant status.

Can I and/or my dependent change to/from the TN1 or TD category?

Unless you are currently in a nonimmigrant category that does not allow a change of status, you can apply to change to **TN** or **TD** nonimmigrant status. However, you cannot engage in activities associated with that status until your application for a change of status is approved.

TN's and **TD**'s can apply to change to another nonimmigrant status.

- Information about the various other nonimmigrant categories
- More information about changing to another status

Use Form I-129 to apply for the worker. Use Form I-539 for dependents.

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Can I or my family travel outside the U.S. and return to this status?

If you have complied with all the terms and conditions of your status, and continue to qualify for **TN** status, you can usually return in the same status with a valid visa for this status and valid passport, if one is required. You should carry the same documentation as when you first were granted **TN** status, and we recommend you have a copy of your I-94 Arrival-departure record showing your previous status.

Dependents – If you have complied with all the terms and conditions of your status, and they also have as well, they can usually return in the same status with a valid visa and a valid passport, if one is required. They will need to have evidence of your continuing **TN** status.

However, if any person has violated the terms and conditions of their status, it can affect whether they can return.

Can status in these categories ever be a basis to become a permanent resident?

No. In fact, to be eligible under these categories, you must plan to depart the U.S. and return to your residence abroad when your **TN** or **TD** status ends. The concept of 'dual intent' does not apply.

Back to: Canadian professionals under NAFTA Nonimmigrant Categories General Nonimmigrant Information Nonimmigrant Services Main Menu

Chapter 4	General Nonimmigrant Information
Unit 2	Information about the various nonimmigrant categories
TN2, TD	**Mexican professionals under NAFTA**

OVERVIEW

The North American Free Trade Agreement (NAFTA), streamlined procedures to allow certain professional workers to temporarily work in the U.S. There are currently two nonimmigrant categories based on NAFTA, **TN1** for Canadian professionals and **TN2** for Mexican professionals.

The **TD** category allows qualifying dependents of **TN** workers accompany them to the U.S.

Professionals under NAFTA	
TN2	NAFTA qualifying professionals from Mexico
TD	Husbands, Wives and children of a **TN** nonimmigrant

Frequently Asked Questions

- In general, what are the requirements for the TN2 category?
- How do I start the process? How can I get more information?
- How long can I stay as a TN2? Can I extend my stay?
- Can a TN2 work for more than one employer or change employers?
- As a TN2, can my family come with me? Can they work or go to school?
- Can I and/or my dependent change to/from the TN2 or TD categories?
- Can I or my family travel outside the U.S. and return to this status?
- Can my status in these categories ever be a basis to become a permanent resident?

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In general, what are the requirements for the TN2 category?

The **TN2** category relates to streamlined procedures under NAFTA (the North American Free Trade Agreement), to allow certain Mexican professional workers to temporarily work in the U.S.

NAFTA covers a large variety of professional occupations. Customers can directly access the current NAFTA professional job series listing at www.travel.state.gov.

How do I start the process? How can I get more information?

A Mexican citizen seeking admission as a TN nonimmigrant needs to apply for a TN visa at a U.S. consulate with evidence of Mexican citizenship, as established by a valid passport, and a job offer letter from a U.S. employer offering a job included on the NAFTA list. If the Mexican citizen earned a degree from a university located outside the US, Mexico or Canada, the applicant must provide a credentials evaluation from a reliable evaluation service specializing in evaluating foreign educational credentials. A prospective U.S. based employer does not have to file any paperwork on behalf of a Mexican citizen seeking TN status; they only need to supply a letter offering the prospective employee a job in the United States, which is included on the NAFTA job list.

For more information -

- We recommend the Department of State's website at www.travel.state.gov.
- Visit our website at www.uscis.gov and select the Temporary Workers link for further information about the TN visa classification.
- Otherwise the employer can call our **Employer, Business, Investor and School Services (EBISS) information line** at **1-800-357-2099**.

A Mexican citizen seeking **TN** status must present documentary evidence when applying for a TN visa at a US consulate, such as -

- the letter described above from the prospective employer;
- a copy of their college degree and employment records which establish their qualifications for the prospective job; and
- evidence of Mexican citizenship, as established by a valid passport

After obtaining a valid TN nonimmigrant visa, he or she may be admitted to the U.S. at a designated U.S. land border port of entry, a U.S. international airport, or at a U.S. pre-clearance/pre-flight station.

How long can I stay as a TN2? Can I extend my stay? Can I travel outside the U.S. and return?

- **Initial status –** A **TN2** is normally admitted for the validity period of the approved **TN2 visa** application.
- **Maximum stay –** A **TN2** can be granted extensions of stay in 12-month increments. To receive an extension, the applicant must apply for an extension at a U.S. Consulate or designated U.S. Port of Entry, or the applicant's employer may file a Form I-129, Petition for a Nonimmigrant Worker. There is no absolute limit on the length of **TN2** status. However, this is a nonimmigrant status, and the **TN2** must plan to return to Mexico to live once **TN2** status ends.

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Can a TN2 work for more than one employer or change employers?

- **Changing employers-** A **TN2** worker can change employers, but first must apply for and be granted a new visa for the new employer.
- **Multiple employers -** A **TN2** worker is allowed to work for more than one employer at a time. However, he/she must have an approved **TN2** visa for each employer.

As a TN2, can my family come with me? Can they work or go to school?

- Your husband or wife and unmarried children under 21 can accompany you as your dependents. They should apply for **TD** visas at the nearest U.S. consulate or for status at a designated Port-of-Entry into the U.S.
- **When dependents marry or turn 21 -** They will no longer be eligible for dependent status in these categories. They must apply to change to another status or depart the U.S.
- **Working – TD** dependents cannot work in the U.S.
- **Extending their stay – TD** dependents can extend their stay to remain with the **TN**. Use Form I-539 to apply. More information about extensions of stay
- **Going to school –** While in status, a **TD** can attend school without changing to another nonimmigrant status.

Can I and/or my dependent change to/from the TN2 or TD category?

Unless you are currently in a nonimmigrant category that does not allow a change of status, you can apply to change to **TN** or **TD** nonimmigrant status. However, you cannot engage in activities associated with that status until your application for a change of status is approved.

TN2's and **TD**'s can apply to change to another nonimmigrant status.

- Information about the various other nonimmigrant categories
- More information about changing to another status

Use Form I-129 to apply for the worker. Use Form I-539 for dependents.

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Can I or my family travel outside the U.S. and return to this status?

If you have complied with all the terms and conditions of your status, and continue to qualify for **TN** status, you can usually return in the same status with a valid visa for this status and valid passport, if one is required. You should carry the same documentation as when you first were granted **TN** status, and we recommend you have a copy of your I-94 Arrival-departure record showing your previous status.

Dependents - If you have complied with all the terms and conditions of your status, and they also have as well, they can usually return in the same status with a valid visa and a valid passport, if one is required. They will need to have evidence of your continuing **TN** status.

However, if any person has violated the terms and conditions of their status, it can affect whether they can return.

Can status in these categories ever be a basis to become a permanent resident?

No. In fact, to be eligible under these categories, you must plan to depart the U.S. and return to your residence abroad when your **TN** or **TD** status ends. The concept of 'dual intent' does not apply.

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Chapter 4	General Nonimmigrant Information
Unit 2	Information about the various nonimmigrant categories
K1, K2	Fiancé (e) of a United States Citizen

OVERVIEW

A U.S. citizen who marries a person while outside the U.S., can file a relative petition if the couple plans to live in the U.S. This petition is the first step towards the new husband or wife becoming a permanent resident.

However, sometimes the U.S. citizen and his or her fiancé(e) want to get married in the U.S. The **K1** nonimmigrant category allows the U.S. citizen to file to bring the fiancé(e) to the U.S., so that the two can marry here. The U.S. citizen and fiancé (e) must have decided to marry, not simply wish to have the opportunity to spend time together to decide whether to marry.

This status cannot be granted to a person who is already in the U.S. If granted, status will be given for 90 days and cannot be extended. If the two marry within this period, this status becomes a pathway to the U.S. citizen's new husband or wife transitioning to permanent residence, by allowing him or her to apply for adjustment of status.

The fiancé(e)'s unmarried children may be granted **K2** dependent status to accompany the **K1** fiancé(e).

This fiancé(e) nonimmigrant process is only available to U.S. citizens. It is not available to permanent residents or persons with any other immigration status.

Fiancé (e) of a United States Citizen	
K1	Fiancé(e) of a U.S. citizen
K2	Unmarried children under 21 of a **K1** nonimmigrant

Frequently Asked Questions about eligibility and status

- I am a U.S. citizen, and I am engaged. What are my options in terms of sponsoring my fiancé(e) to come live in the U.S.?
- Can a permanent resident use the K1 process?
- How long can a person stay as a K1? Can I extend my stay or work?
- Can a K1 bring his or her family with them? Can they work or go to school?
- What happens when the K1 and U.S. citizen who filed the petition marry?
- What happens if my fiancé (e) enters using this status, but we don't marry in time, or at all?
- I am a K1. What happens if I decide to marry someone else while I am in the U.S.?
- Can I change to/from K1 or K2 status?
- What if I have other questions about eligibility?

FAQs about how to apply

- What form do I use to apply? Other form and filing questions.

I am a U.S. citizen, and I am engaged. What are my options in terms of sponsoring my fiancé(e) to come live in the U.S.?

You have two options –

- First, **if you choose to marry overseas**, as soon as you marry you can file a relative petition for your new husband or wife. This petition is the first step to become a permanent resident.
  - Often the petition can be filed and processed at the consulate once you marry, and your new husband or wife will be issued an immigrant visa, and can then enter the U.S. as a permanent resident.
  - More information about this process (to USCIS – Green Card for a Family Member of a U.S. Citizen)
- Your second option is the **K1** nonimmigrant category. Recognizing that sometimes a U.S. citizen and his or her fiancé(e) want to get married in the U.S., the **K1** category allows the U.S. citizen to file a fiancé(e) petition on Form I-129F to bring the fiancé (e) to the U.S. so that the two can marry here. To be eligible, the U.S. citizen and fiancé(e) must have decided to marry, not simply wish to have the opportunity to spend time together to decide whether to marry.
  - This status is not available to a person who is already in the U.S.
  - If granted, status will be given for 90 days and cannot be extended. If the two marry within that time, this nonimmigrant status becomes a pathway to permanent residence because the U.S. citizen's new husband or wife can then apply for adjustment of status.

Can a permanent resident use the K1 process?

No. The **K1** process is only available to U.S. citizens

How long can a person stay as a K1? Can I extend my stay or work?

- **Length of stay** - A **K1** is admitted for 90 days. This status cannot be extended. If the **K1** and U.S. citizen do not marry within that time, the **K1** must leave the U.S. or he or she will be out of status and subject to removal proceedings.
- **Working - K1** status only lasts for 90 days. The purpose is to let the **K1** and U.S. citizen fiancé(e) to marry. A **K1** has two options with respect to employment authorization.
  - Once a **K1** enters the U.S., he or she can apply for an Employment Authorization Document (EAD). Use Form I-765 to apply. However, the amount of time it will take to get an EAD means that it will be valid for only a short time. As soon as the **K1** marries, he or she can apply for permanent residence and will have to file a new application for another EAD.
  - The second option is to wait until the **K1** and U.S. citizen marry, and then file an I-765 application for an EAD along with the application for permanent residence.

Back to: Fiancé(e) of a U.S. citizen Nonimmigrant Categories General Nonimmigrant Information Nonimmigrant Services Main Menu

Can a K1 bring his or her family with them? Can they work or go to school?

- **General family** - A **K1**'s general family cannot come as **K2** dependents just for the wedding.
- **Unmarried children** - If a **K1** has an unmarried child under 21, the child can be given **K2** dependent status if he or she was included in the U.S. citizen's **K1** petition.
- **Working – K2** dependents old enough to legally work in the U.S. can apply for an employment authorization document (EAD). Like the **K1**, the **K2** has two options.
  - Like the **K1**, the **K2** can apply for an EAD once s/he enters the U.S. Like the **K1**, the EAD will only be valid for the short period until **K2** status expires, and then the **K2**, when he or she applies for permanent residence once the **K1** and fiancé(e) marry, will have to apply for a new EAD.
  - The second option is to wait until the **K1** and U.S. citizen marry, and then file an I-765 application for an EAD along with the application for permanent residence.
- **Going to school** – While in status, a **K2** dependent may attend school in the U.S. without changing to another status.

What happens when the K1 and U.S. citizen who filed the petition marry?

As soon as they marry, the **K1** and **K2** dependents can apply to adjust their status to become permanent residents. Use Form I-485 to apply. Each person must file a separate application.

The **K1** and each **K2** can also file two additional applications with their I-485 if they choose.

- The first is that the **K1** and any **K2**'s old enough to work can file an I-765 application for an employment authorization document (EAD) so they can work while their permanent resident applications are pending.
- The second is that the **K1** and any **K2**'s can individually apply for an advance parole to be able to travel outside the U.S. while their application for adjustment of status is pending, and then return to continue to pursue those applications for permanent residence. Use Form I-131 to apply.

What happens if my fiancé(e) enters using this status, but we don't marry in time, or at all?

The **K1** and all **K2** dependents must leave the U.S. before their authorized stay expires, or they will be out of status and subject to removal proceedings.

I am a K1. What happens if I decide to marry someone else while I am in the U.S.?

Since your visa was sponsored by someone other than the person you now want to marry, you will need to leave the U.S. Otherwise, you may be placed in removal proceedings. If your new fiancé(e) is a U.S. citizen, he or she can file a new fiancé(e) petition for you after you leave the U.S..

If you marry someone else while you are here, if that person is a U.S. citizen or permanent resident, they can file a relative petition for you, but you will have to leave and wait abroad for an immigrant visa based on that petition.

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Can I change from/to K1 or K2 status?

A person in the U.S. cannot get **K1** or **K2** status.

K1's and **K2**'s cannot change to another nonimmigrant status. However, if the **K1** marries as provided in the fiancé(e) petition, he or she and **K2** dependents can apply for adjustment of status to permanent residence.

What if I have other questions about eligibility?

We recommend you first get the application form and read the instructions.

- On our website you can download the form, instructions and a fact sheet on the **K1** process, or
- we can take your form order now and have the form mailed to you.

For questions about eligibility, customers can also directly research rules and requirements on our website at www.uscis.gov/laws

- Customers can also get information about these categories, and about visa requirements, direct from the Department of State website at www.travel.state.gov.
- For information about entering and leaving the U.S., visit the U.S. Customs and Border Protection at www.cbp.gov.

What form should I use to apply? Other questions about filing.

For information about filing the I-129F fiancé(e) petition, such as the filing fee, how to get the form, and more

For information about the I-485 application used by **K1**'s and **K2**'s to apply to adjust status to become permanent residents

Back to: Fiancé(e) of a U.S. citizen Nonimmigrant Categories General Nonimmigrant Information Nonimmigrant Services Main Menu

Chapter 4	General Nonimmigrant Information
Unit 2	Information about the various nonimmigrant categories
K3, K4	**Certain Husbands and Wives of U.S. Citizens, and their dependent children**

OVERVIEW

U.S. citizens can file relative petitions for their husbands and wives, to begin the process for them to be able to immigrate to the U.S. If the U.S. citizen has filed the petition, while it is being processed the U.S. citizen can also file a separate petition to let the husband or wife come to the U.S. as a **K3** nonimmigrant category to await approval of the relative petition, and then apply to adjust status and become a permanent resident. This status cannot be granted to a person who is already in the U.S.

Unmarried children under 21 of the U.S. citizen's **K3** husband or wife can be granted **K4** dependent status, to accompany the K3 and wait here with the K3 for the relative petition for their parent to be approved, and then apply to adjust status to become a permanent resident.

This nonimmigrant process is not available to the husband and wives of permanent residents.

Certain Husbands and Wives of U.S. Citizens, and their dependent children	
K3	Certain Husbands and Wives of U.S. Citizens
K4	Certain unmarried children under 21 of a **K3** nonimmigrant

Frequently Asked Questions about eligibility and status

- I am a U.S. citizen, and I have filed or plan to file a relative petition so my husband or wife can immigrate and live in the U.S. What is the K3 option?
- When do I file a K3 petition?
- If I use the K3 process, when will my husband or wife need to get her medical examination?
- If I use the K3 process, how long can my husband or wife stay as a K3? Can he or she work?
- Can a K3 bring his or her family with them? Can they work or go to school?
- Can a K3 or K4 extend their stay?
- What is the effect on K3 or K4 status if the I-130 relative petition is later denied?
- Can I change to/from K3 or K4 status?
- Can a permanent resident use the K3 process for family members?
- Can I or my family travel outside the U.S. and return to this status?
- What if I have other questions about eligibility?

Frequently Asked Questions about how to apply

- What form do I use to apply? Other form and filing questions.

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I am a U.S. citizen, and I have filed or plan to file a relative petition so my husband or wife can immigrate and live in the U.S. What is the K3 option?

As a U.S. citizen, start the process of sponsoring the immigration of your husband or wife by filing a relative petition on Form I-130. However, we understand that it can take some time to process the I-130, and then for the Department of State to issue an immigrant visa. So you have a choice. When you file the I-130, or even after you have filed it, you can also file a **K3** petition for your husband or wife.

If approved, your husband or wife can come to the U.S. as a **K3** nonimmigrant and wait for the I-130 to be approved, and then apply for permanent residence here.

Use Form I-129F if you choose to file the optional **K3** petition.

You are not required to file a **K3** petition, and there is no guarantee that the **K3** process will be faster. We recommend that, before you choose to file a **K3** petition, you check our current processing times for both the **K3** petition and the I-130 petition, and then decide whether you want to invest in this extra step to try to accelerate your husband or wife's being able to come to the U.S.

Applying for permanent residence – After entering as a **K3**, your husband or wife can apply for permanent residence by filing an I-485 application after USCIS approves your relative petition for him or her.

When do I file the K3 petition?

- You can file it **with** your I-130 relative petition for the person.
- If you have already filed the I-130, and it is still pending, you can decide to file the **K3** petition anytime while the I-130 is pending. However, once the I-130 is approved or denied, the **K3** option is no longer available.

If I use the K3 process, when will my husband or wife need to get her medical examination?

Every immigrant needs a medical exam as part of the process. As part of getting the **K3** visa, your husband or wife will have to get the medical exam normally required before he or she would be given an immigrant visa.

If he or she files the I-485 adjustment of status application within one year of first entering the U.S. as a **K3** or **K4**, he or she will normally not need another medical examination.

Back to: Certain husbands and wives of U.S. citizens, and their dependent children | Nonimmigrant Categories | General Nonimmigrant Information
Nonimmigrant Services | Main Menu

If I use the K3 process, how long can my husband or wife stay as a K3? Can he or she extend stay as a K3? Can he or she work?

- **Length of initial status –** Remember that **K3** status is an interim status designed to let the person come to the U.S. in K3 status until the I-130 relative petition filed by the U.S. citizen husband or wife is approved and s/he can apply for permanent residence. Thus a **K3** is initially admitted for 2 years.
- Once the I-130 relative petition is approved, the **K3** is expected to either file an I-485 application to adjust status and become a permanent resident. At that point s/he will also have the option of applying for an immigrant visa if s/he wishes to leave and then return.
- **Working** - Once a **K3** enters the U.S. s/he can apply for an Employment Authorization Document (EAD). Use Form I-765 to apply.

Can a K3 bring his or her family with them? Can they work, or go to school?

- **Status** - If a **K3** has an unmarried child under 21, the child can be given **K4** dependent status.
- The U.S. citizen stepparent may want to consider filing separate relative petitions for each stepchild, but it is not required for **K4** status, nor is it absolutely required for immigration since the children can immigrate with their parent based on the I-130 petition that the U.S. citizen filed for his or her husband or wife.
- A **K4** is normally admitted to the same date as the **K3**, but **K4** status cannot be granted beyond the date before s/he turns 21.
- **Working – K4** dependents old enough to legally work in the U.S. can apply for an employment authorization document (EAD). Use Form I-765 to apply.
- **Going to school –** While in status a **K4** dependent may attend school in the U.S. without changing to another status.

Can a K3 or K4 extend their stay?

A **K3** or **K4** can apply to extend their **K3** or **K4** status. Use Form I-539 to apply. In the application s/he will have to show that –

- the I-130 relative petition filed by the U.S. citizen husband or wife filed is still pending, or
- he or she already has an application for an immigrant visa pending based on that petition, or
- he or she already has an I-485 application to become a permanent resident pending. However, in this case, he or she has the choice of extending **K3** or **K4** status or simply remaining based on the pending I-485 application for permanent residence.

A **K4** cannot be granted an extension of stay as a **K4** beyond the date before he or she turns 21.

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Can a permanent resident use the K3 process for family members?

No. This process is only for qualifying relatives of a U.S. citizen.

However, we suggest you look at **V** nonimmigrant status. It is a similar program for certain relatives of permanent residents who are waiting to be able to immigrate.

What is the effect on K3 or K4 status if the I-130 relative petition is later denied?

If the underlying I-130 relative petition is denied, **K3** and **K4** status will terminate 30 days after the date of the denial. The individuals will have to leave the U.S. or they will be subject to removal proceedings.

Can I change from/to K3 or K4 status?

K3 and **K4** visas are only available to a person who is outside the U.S. A person in the U.S. cannot get **K3** or **K4** status, and **K3**'s and **K4**'s cannot change to another nonimmigrant status.

Can I or my family travel outside the U.S. and return to this status?

Aliens present in the United States in a **K3/K4** nonimmigrant classification may travel outside of the United States and return using their nonimmigrant **K3/K4** visa, even if they have filed for adjustment of status in the U.S. prior to departure. "USCIS will not presume that departure constitutes abandonment of an adjustment application that has been filed."

A foreign national with a valid **K3/K4** visa may travel outside the U.S. without first obtaining special permission, referred to as advance parole.

However, if any person has violated the terms and conditions of their status, it can affect whether they can return.

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What if I have other questions about eligibility?

We recommend you first get the application form and read the instructions.

- On our website you can download the form and instructions, or
- We can take your form order now and have the form mailed to you.

For questions about eligibility, customers can also directly research rules and requirements on our website at www.uscis.gov/laws.

- Customers can also get information about these categories and visa requirements directly from the Department of State website at www.travel.state.gov.
- For information about entering and leaving the U.S., we suggest contacting U.S. Customs and Border Protection. Their website is at www.cbp.gov.

What form should I use to apply? Other questions about filing.

For information about filing the I-129F petition for a **K3**, such as the filing fee, how to get the form, and more

For more information about the I-485 application used by **K3**'s and **K4**'s to apply to adjust status to become permanent residents

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Chapter 4	General Nonimmigrant Information
Unit 2	Information about the various nonimmigrant categories
V	Certain relatives of a Permanent Resident (Life Act)

OVERVIEW

This nonimmigrant category provides status to qualifying individuals who are the husbands and wives and unmarried children of a permanent resident, who filed Form I-130 relative petitions on their behalf before December 22, 2000, and they are waiting to be able to apply for permanent residence or have an application for permanent residence pending based on that relative petition.

Certain relatives of a Permanent Resident (Life Act)	
V1	Certain husbands and wives of Permanent Residents
V2	Certain children of Permanent Residents
V3	Certain children of a **V1** or **V2** nonimmigrant

Frequently Asked Questions about eligibility and status

- I am a permanent resident? What is the V program, and when can my family use it?
- I am a permanent resident, and I filed an I-130 relative petition. How can I find out whether it qualifies as a basis for V status?
- How does someone apply for V status?
- If I use the V process, when will my relative need to get their medical examination?
- How long can my relative stay as a V? Can he or she work, or go to school?
- Can a V bring his or her family with them? Can they work or go to school?
- If I have V status, when do I apply for permanent residence? What then happens to my V status? Can a V extend their stay?
- What happens to V status if the permanent resident who filed the I-130 petition becomes a U.S. citizen, if the petition is withdrawn or revoked, or if my application for permanent residence is denied?
- Can I change from V to another nonimmigrant status?
- Can I or my family travel outside the U.S. and return to this status?
- Can a V-2 or V-3 extend their stay if they turn 21? Can they travel?
- What if I have other questions about eligibility?

FAQs about how to apply

- What form do I use to apply? Other form and filing questions.

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I am a permanent resident. What is the V program, and when can my family use it?

Immigration law limits the number of people who can immigrate each year. This can lead to substantial wait times after a permanent resident starts the process and files the I-130 relative petition until their husband, wife or child can become a permanent resident. The **V** program offers an interim nonimmigrant status in certain situations to a permanent resident's immediate family, if the I-130 relative petition was filed before **December 22, 2000**. Thus, most qualified customers potentially have already taken advantage of this program, and hold **V** status.

To qualify –

- the family member must be the permanent resident's husband or wife, or unmarried child under age 21,
- the permanent resident must have filed an I-130 relative petition for the family member before December 22, 2000, and
- the petition must either –
  - still be pending, or
  - be approved, but with an immigrant visa not yet available based on the petition filing date, or
  - the family member has a pending I-485 adjustment of status application pending based on the petition.

I am a permanent resident, and I filed an I-130 relative petition. How can I find out whether it qualifies as a basis for V status?

- If the I-130 petition was approved, then check to see if the priority date is current to see whether the person can apply for permanent residence instead of for **V** status.
  - To check priority dates, customers can go to the Department of State's website at travel.state.gov.
- If you believe your case is still pending with USCIS (we have not approved or denied it), we recommend you check the status of your relative petition before you file for **V** status.

Check case status with the receipt number for the relative petition.

How does someone apply for V status?

- They can apply for a **V** nonimmigrant visa at a U.S. consulate.
  - **For more information about visa requirements**, we suggest the Department of State website at www.state.gov.
- If they are already in the U.S., they can apply for **V** status in the U.S. Use Form I-539 and its Supplement A to apply.
  - Normally, a person must be in a valid nonimmigrant status to change to another nonimmigrant status. That is not the case with the **V** program. If already in the U.S., the relative does not have to be in a valid nonimmigrant status to be eligible to receive **V** status.

If I use the V process, when will my relative need to get their medical examination?

Every immigrant has to get a medical exam as part of the process. As part of getting a **V** visa or status, your family member will have to get the medical exam normally required before he or she is given an immigrant visa. They will need to submit it with their visa application or I-539 application.

If he or she files the I-485 adjustment of status application, within one year of first entering the U.S. as a **V**, he or she will normally not need to have another medical examination.

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How long can my relative stay as a V? Can he or she work or go to school?

- **Length of initial status –** A **V1** or **V2** is normally granted status initially for 2 years. However, a **V2** will not be given status beyond the day before he or she turns 21.
- **Working** - Once a **V1** or **V2** enters the U.S. he or she can apply for an Employment Authorization Document (EAD). Use Form I-765 to apply. If in the U.S. and applying for a change to V status, the person can apply for an employment authorization document (EAD) at the same time he or she submits the I-539 application for **V** status. Use Form I-765 to apply for an EAD.
- **Going to school –** While in status, a person holding **V** status may attend school in the U.S. without changing to another status.

Can a V bring his or her family with them? Can they work or go to school?

- **Status** - If a **V1** or **V2** has an unmarried child under 21, the child can be given **V3** dependent status. A **V3** will be granted initial status for up to 2 years, but will not be given status beyond the day before he or she turns 21.
  - Authorized stay as a **V** automatically expires 30 days after -
    - the I-130 relative petition upon which **V** status is based is withdrawn or revoked; or
    - the person's application for permanent residence based on the I-130 relative petition upon which **V** status is based is denied or withdrawn.
  - If authorized stay expires, a person will be subject to removal proceedings.
- **Working – K4** dependents old enough to legally work in the U.S. can apply for an employment authorization document (EAD). Use Form I-765 to apply.
- **Going to school –** While in status, a person holding **V** status may attend school in the U.S. without changing to another status.

If I have V status, when do I apply for permanent residence? What then happens to my V status? Can a V extend their stay?

- Applying for permanent residence - When the priority date for the I-130 relative petition is reached, you can apply for permanent residence. Use Form I-485 to apply. If you do not file an I-485 by the time your status expires, when you apply for an extension of stay USCIS will only give you a one-time 6-month extension of **V** status to give you time to apply for permanent residence. If you apply to enter with a valid **V** visa, we will grant you status for 6 months.
- Extending stay as a **V** - A person holding **V** status can apply for an extension of stay on Form I-539. Extensions of stay can be granted in increments of up to 2 years.
  - If you are in a **V** status and filed an I-485 application for adjustment of status, you may file for an extension of your **V** status while the adjustment application is pending. However, any applicant for adjustment of status can obtain many of the same interim benefits provided by **V** status.

In your I-539 application to extend your stay, you will have to show that –

- the I-130 relative petition filed by the U.S. citizen husband or wife filed is still pending or approved, and
- he or she is still waiting for a visa to be available has a pending I-485 application for adjustment to permanent residence pending that is based on the I-130 relative petition.

For specific information about a **V2** or **V3** turning 21, please visit the FAQ regarding a V2 or V3 turning 21.

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What happens to V status if the permanent resident who filed the I-130 petition becomes a U.S. citizen, if the petition is withdrawn or revoked, or if my application for permanent residence is denied?

- **Permanent resident becomes U.S. citizen –** When this happens, you will no longer qualify for **V** status and will not be eligible for an extension of your **V** status. However, you will probably still be eligible to file for permanent residence and may be able to do so more quickly since you are now the immediate relative of a U.S. citizen.
- **Petition withdrawn or revoked, or application for permanent residence denied – V** status automatically expires 30 days after any of these events. If authorized stay expires a person will be subject to removal proceedings.

Can I change from V to another nonimmigrant status?

It is possible in theory, but the **V** program provides a bridge to permanent residence, that is inconsistent with what is required for other nonimmigrant status. In addition, if you were not in a valid nonimmigrant status when you applied for **V** status, you would not be eligible to change to another nonimmigrant status.

Can I or my family travel outside the U.S. and return to this status?

If you have complied with all the terms and conditions of your status, and continue to qualify for **V** status, you can usually return in the same status with a valid visa for this status and valid passport, if one is required.

- For a **V**, this is true even if you have already filed your I-485 application to become a permanent resident. You can travel in your **V** status instead of getting an advance parole first based on your pending I-485 application.

Dependents – If you have complied with all the terms and conditions of your status, and they also have as well, they can usually return in the same status with a valid visa and a valid passport, if one is required even if they have already filed their I-485 application to adjust status and become a permanent resident.

However, if any person has violated the terms and conditions of their status, it can affect whether they can return.

- **This is especially important for a V because a person can be unlawfully present and still transfer to V status.** If that person leaves the U.S. they may not be able to return for some time.

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Can a V-2 or V-3 extend his or her stay if they turn 21? Can they travel?

To qualify for a V2 or V3 visa or initial status as a V2 or V3 nonimmigrant, you must meet certain requirements, including meeting the definition of a child at the time you enter the United States or changing status to a V-2 or V-3. This means: to obtain initial V-2 or V-3 status, you must be an unmarried child, under the age of 21, of a qualifying permanent resident or of a V2 nonimmigrant.

If you are in the United States in "V" status, you are expected to file an application for permanent resident status at the time your priority date becomes current.
If you are in V2 or V3 status and you marry at any time before you are granted permanent resident status, your "V" status will automatically terminate. There are no permanent resident categories as the married son or daughter of a permanent resident.
If you are in V2 or V3 status and you turn 21 while waiting for your priority date to become current, you may still be considered to be in valid status, and you can apply for an extension of your "V" status when/if it becomes necessary to do so. If you were previously denied or did not file for an extension of V2 or V3 status solely because you turned 21, you may wish to file for an extension of status by filing Form I-539. If approved, USCIS will grant a period of admission not to exceed two years. You may continue to extend V status until you become a permanent resident or until the law terminates V status.

The extension of status for those 21 years old or older does not affect the rules of V2 or V3 visa issuance by the State Department. So please be aware of the following:

If you are over 21 and are granted an extension of stay as a V2 or V3, traveling outside the United States may negatively impact your ability to return to the U.S. IF YOUR "V" VISA HAS EXPIRED OR YOU CHANGED YOUR STATUS TO "V" WHILE IN THE U.S. Since you would have to apply for a new visa if your old one expired, and since a V2 or V3 visa can only be issued to an unmarried child under the age of 21, you may find that traveling outside the U.S. in this situation could mean you would not be allowed to get a new "V" visa and return to the U.S.

What if I have other questions about eligibility?

We recommend you first get the application form and read the instructions.

- On our website you can download the form and instructions, or
- We can take your form order now and have the form mailed to you.

For questions about eligibility, customers can also directly research rules and requirements on our website at www.uscis.gov/laws

- Customers can also get information about these categories, and about visa requirements, direct from the Department of State website at www.travel.state.gov.
- For information about entering and leaving the U.S., we suggest U.S. Customs and Border Protection. Their website is at www.cbp.gov.

What form should I use to apply? Other questions about filing.

For information about filing an I-539 application for **V** status, such as the filing fee, how to get the form, and more

Back to: V – Certain Relatives of a Permanent Resident | Nonimmigrant Categories | General Nonimmigrant Information
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Chapter 4	General Nonimmigrant Information
Unit 2	Information about the various nonimmigrant categories
C1, TWOV	Persons transiting the U.S.

OVERVIEW

These categories let certain individuals transit through the U.S. to elsewhere:

- The **C1** category is a visa that allows a person who will be in immediate and continuous transit through the U.S. to pass through the U.S.
- **TWOV** is not a visa, but a process that previously allowed an individual to remain in the carrier's custody while they transited through the U.S. For security reasons, this program has been discontinued.

Persons transiting the U.S.	
C1	Transiting the U.S.
TWOV	Transit without a Visa

Frequently Asked Questions

- In general, what are the requirements of these categories?
- Where can I get more information about these categories?
- Can a person in these categories extend their stay or change status?

Back to: Nonimmigrant Categories General Nonimmigrant Information Nonimmigrant Services Main Menu

In general, what are the requirements of these categories?

These categories let certain persons transit through the U.S. to elsewhere:

- The **C1** category is a visa that allows a person who will be in immediate and continuous transit through the U.S. to pass through the U.S.
- **TWOV** is not a visa. It was a process that previously allowed an individual to remain in the carrier's custody while they transited through the U.S. with the carrier. This category was also used for a crewman to join a vessel, and then remain on board and depart on that vessel. However, for security reasons the **TWOV** program was discontinued in 2003.

Where can I get more information about these categories?

USCIS does not administer these programs. For information, we recommend either

- the Department of State website at www.travel.state.gov, or
- the U.S. Customs and Border Protection website at www.cbp.gov.

Can a person in these categories extend their stay or change status?

- No. The terms and conditions of status in these categories cannot be modified.

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Chapter 4	Information about the various nonimmigrant categories
Unit 2	Information about the various nonimmigrant categories
S, U	Informants, and victims of severe criminal activity

OVERVIEW

These categories are for individuals in very unique circumstances. Status is based on requests from local and federal law enforcement organizations to U.S. Immigration and Customs Enforcement.

The **S** category is a temporary status that can be granted by the government to certain informants. Granting this status is at the discretion of the Government, with the full involvement of associated law enforcement organizations, and is based on an application filed by the interested federal or state law enforcement agency.

The **U** category is for victims of severe criminal activity in the U.S. that violates U.S. law. The determination of eligibility is made in consultation with senior federal law enforcement officials. "U" Nonimmigrant Status is set aside for victims of crimes who have suffered mental or physical abuse because of the crime and who not only have information regarding the activity, but also are willing to assist government officials in the investigation of the criminal activity.

Informants	
S5	Informant on a criminal organization
S6	Informant on a terrorist organization
S7	Husband, wife, child, parent of a **S5** or **S6** nonimmigrant
U	Victims of severe criminal activity

Frequently Asked Questions

- In general, what are the requirements for S status? How can I get more information?
- Can an S's relatives also receive status?
- How long can a person stay as in S status? Can they work or go to school?
- Can an S change to another nonimmigrant status?
- How does one become eligible for U nonimmigrant status?
- What are the procedures to request U nonimmigrant status?
- Can family members of the petitioner apply for U nonimmigrant status?
- How long can a person maintain the U nonimmigrant classification? Can they go to school?
- How can I obtain an Employment Authorization Document if I have been granted U status?
- Can I file a petition for members of my family?
- A family member included on my U-Visa petition (Form I-918) might turn 21 before the petition is approved, what will happen to him/her?
- What happens to my family if I turn 21 before my U visa petition (Form I-918) is approved?
- I currently receive public assistance from the government or I am likely to receive public assistance from the government in the future. Will this cause my U visa petition to be denied?

FAQs about eligibility requirements for "U" nonimmigrants seeking adjustment of status to become lawful permanent residents

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In general, what are the requirements for S status? How can I get more information?

The **S** category is a temporary status that can be granted by the government to certain informants. This is a very limited program for unique circumstances. Granting this status is at the discretion of the Government, with the full involvement of associated law enforcement organizations, and is based on an application filed by the interested federal or state law enforcement agency.

A law enforcement organization interested in participating in this program should contact U.S. Immigration and Customs Enforcement (ICE).

Can an S's relatives also receive status?

The sponsoring law enforcement organization can include the informant's husband, wife, unmarried or married children and parents in its application. If they are not included, then they cannot receive **S7** dependent status.

How long can a person stay in S status? Can they work or go to school?

- **Status** - The maximum initial period is 3 years. To apply for an extension of stay, the individual should use Form **I-539**. The application must be supported by a law enforcement organization. **S7**'s can be included in the application by the **S5** or **S6**.

- **Working –** A person in **S** status, including **S7** status, can work in the U.S., but must file an **I-765** application for an employment authorization document (EAD). The EAD is needed to show an employer that he or she is authorized to work.

- **Going to school –** While in status an **S** may attend school in the U.S. without changing to another status.

Can an S change to another nonimmigrant status?

No. An S nonimmigrant cannot change to another nonimmigrant status.

How does one become eligible for U nonimmigrant status?

There are four statutory eligibility requirements: (1) the individual must have suffered substantial physical or mental abuse as a result of having been a victim of a qualifying criminal activity; (2) he/she has information concerning that criminal activity; (3) he/she has been helpful, is being helpful, or is likely to be helpful in the investigation or prosecution of the crime; and (4) the criminal activity must have violated the laws of the United States or occurred in the U.S.

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What are the procedures to request U nonimmigrant status?

To request U nonimmigrant status, you must submit the following documents:

- Form I-918, Petition for U Nonimmigrant Status;
- Form I-918, Supplement B, U Nonimmigrant Status Certification, on which a law enforcement official confirms that you were or will likely be helpful in the prosecution of the case;
- A personal statement describing the criminal activity of which you were a victim; and
- Evidence to establish each eligibility requirement.

Can family members of the petitioner apply for U nonimmigrant status?

While family members who accompany the petitioner can, under certain circumstances, obtain **U** nonimmigrant status, they cannot apply on their own behalf. The principal applicant (alien victim), must petition on behalf of qualifying family members. Certain qualifying family members are eligible for a derivative U visa.

If the principal is...	Then...
Under 21 years of age	You may petition on behalf of your spouse, children, parents and unmarried siblings under age 18.
21 years of age or older	You may apply on behalf of your spouse and children.

To petition for a qualified family member, you must file a Form I-918, Supplement A, Petition for Immediate Family Member of U-1 Recipient, at the same time as your application or at a later time.

How long can a person maintain the U nonimmigrant classification? Can they go to school?

U nonimmigrant status cannot exceed four years; however, extensions are permitted upon certification from a certifying agency that the alien's presence in the United States is required to assist in the investigation or prosecution of a qualifying criminal activity.

Going to school – While in status, a **U** visa holder may attend school in the U.S. without changing to another status.

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How can I obtain an Employment Authorization Document if I have been granted U status?

USCIS automatically will issue an initial Employment Authorization Document (EAD) to an alien granted **U-1** nonimmigrant status in the United States. For principal aliens who applied from outside the United States, the initial EAD will not be issued until the petitioner has been admitted to the United States in **U** nonimmigrant status. After admission, the alien may receive an initial EAD upon request and submission of a copy of his or her Form **I-94**, "Arrival-Departure Record" to the USCIS office having jurisdiction over the adjudication of petitions for **U** nonimmigrant status. You can obtain a copy of your I-94 at www.cbp.gov/I94. No additional fee is required. An alien granted **U-1** nonimmigrant status who seeks to renew an expiring EAD or replace an EAD that was lost, stolen, or destroyed must file Form **I-765** in accordance with the instructions to the form.

NOTE: If your family member is living outside the United States, he or she is not eligible to receive employment authorization until he or she is lawfully admitted to the United States. Do not file an **I-765** for a family member living outside the United States.
If your family member is in the United States and would like to request an EAD, please submit Form **I-765**, Application for Employment Authorization Document, separately.

Can I file a petition for members of my family?

Yes, if you have been granted **U-1** nonimmigrant status, you may petition for the admission of a qualifying family member in a **U-2** (spouse), **U-3** (child), **U-4** (parent of a **U-1** alien who is a child under 21 years of age), or U-5 (unmarried sibling under the age of 18) derivative status, if accompanying or following to join such principal alien. A qualifying family member who committed the qualifying criminal activity in a family violence or trafficking context that established the principal alien's eligibility for **U** nonimmigrant status shall not be granted **U-2**, **U-3**, **U-4**, or **U-5** nonimmigrant status.

The form **I-918** should be filed by you, the victim, and may include qualifying family members. It can also be used at a later date to file for qualifying family members not included on the original petition.

A family member included on my U-Visa petition (Form I-918) might turn 21 before the petition is approved, what will happen to him/her?

Violence Against Women Act 2013 specifies that the age of the qualifying family member is determined by the date on which the I-918 petition is properly filed. An unmarried child under 21 who has a petition properly filed for him/her as a qualifying family member will continue to be considered a child for U-Visa purposes until a determination has been made on the petition.

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What happens to my family if I turn 21 before my U visa petition (Form I-918) is approved?

If you are under 21 at the time you file the U visa petition, unmarried siblings under 18 at the time of filing and your parent(s) will be considered qualifying family members for derivative U visa status until the petition is adjudicated. Therefore, these family members will still qualify even if you turn 21 or your sibling turns 18 before a decision is made on the petition.

I currently receive public assistance from the government or I am likely to receive public assistance from the government in the future. Will this cause my U visa petition to be denied?

A person likely to become a "public charge," mainly dependent on government assistance, may be denied admission into the U.S. However, a person and his/her qualifying family members who are petitioning for U-Visa status or has been granted U visa status are not subject to the public charge ground of inadmissibility and will not have to submit a waiver application for this ground. USCIS plans to eliminate the question relating to public charge from the Form I-918. However, until that time you should write "not applicable" in response to the question related to public charge on the Form I-918.

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FAQ about eligibility requirements for "U" Nonimmigrants seeking adjustment of status to become lawful permanent residents

- What are the eligibility requirements for "U" nonimmigrant seeking adjustment of status?
- What are the procedures for "U" visa holders to apply for lawful permanent residence?
- Can family members of the "U" visa holder apply for lawful permanent residence?
- Is there a cap on the number of "U" nonimmigrant visas given in a year?
- Are there any work or travel limitations on a "U" nonimmigrant while an application for adjustment of status is pending?
- Are there fees associated with the "U" nonimmigrant classification?

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What are the eligibility requirements for "U" nonimmigrants seeking adjustment of status?

Applicants for adjustment of status holding a "U" visa must have been lawfully admitted to the United States as a "U" nonimmigrant and must continue to hold such status at the time of application. In addition, "U" visa holders demonstrate:

- Physical presence in the United States for a continuous period of at least three years since the date of admission as a "U" nonimmigrant; and
- No unreasonable refusal to provide assistance in the criminal investigation or prosecution.

Note to Representative: If a customer was granted U nonimmigrant status while he/she resided in the Commonwealth of Northern Mariana Island (CNMI), the required three years of continuous physical presence begin to accrue once the status is granted.

What are the procedures for "U" visa holders to apply for lawful permanent residence?

Applicants must file the Application to Register Permanent Residence or Adjust Status Form I-485 in accordance with the form instructions. Among other requirements, applicants must also present evidence that they were admitted in "U" nonimmigrant status. That evidence may be provided by submitting a copy of the Notice of Action Form I-797. Evidence of continuous physical presence is also required; this can be provided by college transcripts, employment records, or installment payments (e.g., monthly rent receipts, utility bills, etc.) during the requisite time period.

Can family members of the "U" visa holder apply for lawful permanent residence?

Yes. Derivative family members may apply for adjustment of status provided that the principal "U" visa holder meets the eligibility requirements for adjustment of status and that his/her application for adjustment has been approved, is currently pending, or is concurrently filed.

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Is there a cap on the number of "U" nonimmigrant visas given in a year?

USCIS may grant no more than 10,000 U-1 nonimmigrant visas in any given fiscal year. This does not apply to derivative family members such as spouses, children or other qualifying family members who are accompanying or following to join the principal foreign national victim. If the cap is reached in any fiscal year before all petitions are adjudicated, USCIS will create a waiting list that will provide a mechanism by which victims cooperating with law enforcement agencies can stabilize their immigration status. Further, U nonimmigrant visa petitioners assigned to the waiting list will be given deferred action or parole while they are on the waiting list. This means they will be eligible to apply for employment authorization or travel until their petitions can be adjudicated after the start of the following fiscal year.

Are there any travel or work limitations on a "U" nonimmigrant while an application for adjustment of status is pending?

"U" nonimmigrants who wish to travel or work must follow the same requirements as any applicant with a pending adjustment of status application. Advance parole can be requested by filing Form I-131, Application for Travel Document. For work authorization, applicants may be required to submit a Form I-765, Application for Employment Authorization.

Are there fees associated with the U nonimmigrant classification?

No. The program involves the well-being of victims of severe criminal activity and USCIS's decision to waive the petition fee reflects the humanitarian purposes of the law. Petitioners for "U" nonimmigrant status are entitled to request a fee waiver of any form associated with the filing for the U nonimmigrant status.

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Chapter 4	General Nonimmigrant Information
Unit 2	Information about the various nonimmigrant categories
T	Victims of Trafficking

OVERVIEW

This category is for a person who is or has been the victim of a severe form of trafficking in people and who has complied with any reasonable requests for assistance in the investigation or prosecution of acts of trafficking in persons, or is under 18 years of age and would suffer extreme hardship and unusual and severe harm upon removal. This is a very unique category. It is designed to assist government law enforcement investigation and prosecution of crimes.

Victims of Trafficking	
T1	Victim of Trafficking
T2	Husband or Wife of **T1** nonimmigrant
T3	Child of **T1** nonimmigrant
T4	Parent of **T1** nonimmigrant who is a minor
T5	Unmarried sibling under 18 years of age of a T1 nonimmigrant
T6	Son or daughter of a derivative beneficiary of a T1 nonimmigrant

Frequently Asked Questions about eligibility and status

- In general, what are the requirements for T status?
- What is human trafficking?
- Can a T's relatives also receive status?
- How long can a person stay as in T status? Can they work or go to school?
- Can a T change to another nonimmigrant status?
- Can I or my family travel outside the U.S. and return to this status?
- Can my status in these categories ever be a basis to become a permanent resident?
- How can I report human trafficking?

FAQs about how to apply

- What form do I use to apply?

FAQs about eligibility requirements for "T" Nonimmigrants seeking adjustment of status to become lawful permanent residents, click here.

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In general, what are the requirements for T status?

The T nonimmigrant category is for a person who is or has been the victim of human trafficking. This category is designed to allow victims to remain in the United States to assist federal authorities in the investigation and prosecution of human trafficking related crimes.

To be eligible, it must be shown that –

- the person is a victim of a severe form of trafficking in persons;
- the person is physically present in the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, or at a port of entry on account of trafficking;
- the person has complied with any reasonable requests from a law enforcement agency for assistance in the investigation or prosecution of human trafficking, or is under the age of 18, or is unable to cooperate with a law enforcement request due to physical or psychological trauma; and
- the person would suffer extreme hardship and unusual and severe harm upon removal.

What is human trafficking?

Human trafficking, also known as trafficking in persons, is a form of modern-day slavery in which traffickers lure individuals with false promises of employment and a better life. Traffickers often take advantage of poor, unemployed individuals who lack access to social safety nets. The T nonimmigrant visa allows victims to remain in the United States to assist federal authorities in the investigation and prosecution of human trafficking cases.

Can a T's relatives also receive status?

Yes, to apply for family members,a Form I-914 Supplement A, Application for Immediate Family Member of T-1 Recipient, must be submitted to USCIS. Applications for family members can be filed at the same time as the principal's application.

The following immediate family members are eligible for derivative nonimmigrant status based on the age of the primary applicant, or the principal.

- If the principal is under 21 years of age, then he/she may apply on behalf of his/her spouse, children, parents and unmarried siblings under age 18;
- If the principal is 21 years of age or older, then he/she may apply on behalf of his/her spouse and children.

The following family members are eligible if they can demonstrate present danger of retaliation as a result of the principal's (1) escape from severe form of trafficking in persons, or (2) cooperation with law enforcement:

- The principal's parents;
- Unmarried siblings under 18 years of age;
- Son or daughter of a derivative beneficiary of the principal applicant. If applying for this new T6 derivative status, leave "Part A. Family Member Relationship to You" blank, attach a sheet of paper detailing the relationship, and request adjudication under the new derivative category.

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How long can a person stay in T status? Can they work or go to school?

- **Status -** The **T** nonimmigrant visa is valid for 4 years and a visa holder may be eligible to apply for permanent residence (Green Card) after 3 years in a **T** nonimmigrant status.

- **Working –** Any person in **T** status can work in the U.S. When USCIS grants T nonimmigrant status, an Employment Authorization Document (EAD) is granted at the same time. The information for the EAD is generated from the Form I-914. There is no need to file a Form I-765, Application for Employment Authorization, along with the application for a T nonimmigrant status.

- **Going to school –** While in status, a **T** may attend school in the U.S. without changing to another status.

Can a T change to another nonimmigrant status?

It is possible in limited circumstances if you qualify for the other nonimmigrant status.

- Information about the various other nonimmigrant categories
- More information about changing to another status

Use Form I-539.

Can I or my family travel and return to the U.S. in this status?

Before you travel, use Form I-131 to apply for an advance parole. If we issue the parole document, you can then travel. If you have complied with all the terms and conditions of your status, and continue to qualify for T status, you can usually return in the same status with the parole document and valid passport, if one is required. However, travel can delay eligibility for permanent residence.

However, if any person has violated the terms and conditions of their status, it can affect whether they can return.

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Can my status in these categories ever be a basis for permanent residence?

A **T1** and family in **T** dependent status can use Form I-485 to apply for permanent residence after they have been physically present in the U.S. for a continuous period of 3 years since being granted **T** status. In the application, he or she will have to show that he or she -

- has been a person of good moral character since being granted **T** status;
- has complied with all reasonable requests for assistance in the investigation and prosecution of acts of trafficking; and
- would suffer extreme hardship involving unusual and severe harm if removed from the U.S.

Note to Representative: If a customer was granted T nonimmigrant status while he/she resided in the Commonwealth of Northern Mariana Island (CNMI), the required three years of continuous physical presence begin to accrue once the status is granted.

How can I report human trafficking?

- To report suspicious activity to Immigration and Customs Enforcement (ICE):
  1-866-347-2423
- To reach a non-governmental organization:
  National Human Trafficking Resource Center Hotline
  1-888-373-7888

What form should I use to apply?

If you are a victim of a severe form of trafficking, you must submit a Form I-914, Application for T Nonimmigrant Status. The Form I-914 requests information regarding your eligibility for T nonimmigrant status, as well as admissibility to the United States. You must also include a statement in your own words about your victimization. You may submit a law enforcement agency endorsement using Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons. You also have the option to submit secondary evidence of compliance with reasonable requests for assistance. This evidence may include: trial transcripts, court documents; police reports, news articles and affidavits.

For more information about the I-914 application, such as the filing fee or how to get the form.

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FAQs about eligibility requirements for "T" Nonimmigrants seeking adjustment of status to become lawful permanent residents

- What are the eligibility requirements for "T" nonimmigrants seeking adjustment of status?
- What are the procedures for "T" visa holders to apply for lawful permanent residence?
- Can family members of the "T" visa holder apply for lawful permanent residence?
- Is there a cap on the number of "T" nonimmigrant visas that are given each year?
- Are there any travel or work limitations on a "T" nonimmigrant while an application for adjustment of status is pending?
- Are there fees associated with filing for T nonimmigrant status?

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What are the eligibility requirements for "T" nonimmigrants seeking adjustment of status?

Applicants for adjustment of status holding a "T" visa must have been lawfully admitted to the United States as a "T" nonimmigrant and must continue to hold such status at the time of application. In addition, "T" visa holders demonstrate:

- Physical presence in the United States: "T" nonimmigrants must have been physically in the U.S. for either: (a) a continuous period of at least three years since the date of admission as a "T" nonimmigrant; or (b) a continuous period during the investigation or prosecution of the acts of trafficking, provided that the Attorney General has certified that the investigation or prosecution is complete;
- Good moral character since first being lawfully admitted as a "T' nonimmigrant; and
- Continued compliance with any reasonable request for assistance in the investigation or prosecution of the acts of trafficking or extreme hardship involving unusual and severe harm upon removal from the United States.

Note to Representative: If a customer was granted T nonimmigrant status while he/she resided in the Commonwealth of Northern Mariana Island (CNMI), the required three years of continuous physical presence begin to accrue once the status is granted.

What are the procedures for "T" visa holders to apply for lawful permanent residence?

Applicants must file the Application to Register Permanent Residence or Adjust Status Form I-485 in accordance with the form instructions. Among other requirements, applicants must also present evidence that they were admitted in "T" nonimmigrant status. That evidence may be provided by submitting a copy of the Notice of Action Form I-797. Evidence of continuous physical presence is also required; this can be provided by college transcripts, employment records, or installment payments (e.g., monthly rent receipts, utility bills, etc.) during the requisite time period.

Can family members of the "T" visa holder apply for lawful permanent residence?

Yes. Derivative family members may apply for adjustment of status provided that the principal "T" visa holder meets the eligibility requirements for adjustment of status and that his/her application for adjustment has been approved, is currently pending, or is concurrently filed.

Is there a cap on the number of "T" nonimmigrant visas that are given each year?

Congress has limited the number of T nonimmigrant visas granted each year to 5,000. This does not apply for family derivative visas. Once the cap is reached, applicants will be placed on a waiting list. This waiting list allows those applicants who cannot be granted a visa due to the numerical limitation to obtain priority in the following year.

Are there any travel or work limitations on a "T" nonimmigrant while an application for adjustment of status is pending?

"T" nonimmigrants who wish to travel or work must follow the same requirements as any applicant with a pending adjustment of status application. Advance parole can be requested by filing Form I-131, Application for Travel Document. For work authorization, applicants may be required to submit a Form I-765, Application for Employment Authorization.

Are there fees associated with filing for T nonimmigrant status?

There is no fee to file a Form I-914, Application for T Nonimmigrant Status. You may submit a request for a waiver of the filing fees for any other forms associated with filing your Form I-914.

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Chapter 3	Information about employment and Social Security cards for nonimmigrants
N8, N9	Special Nonimmigrant categories

OVERVIEW

An **N-8** or **N-9** nonimmigrant is admitted as a parent (N-8) or dependent child (N-9) of an alien granted permanent residence under **section 101(a)(27)(I)** of the Act. N-8 and N-9 nonimmigrants are eligible to receive employment authorization.

Frequently Asked Questions

Can I work in the United States?

An N-8 or N-9 is authorized employment but must have an employment authorization document (EAD) as evidence of that authorization. The N-8 or N-9 should apply for the EAD on a Form I-765 under the category (a)(7).

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Chapter 3 Information about employment and Social Security cards for nonimmigrants

Micronesia & Marshall Island Citizens Special Nonimmigrant Categories

OVERVIEW

Citizens of Micronesia or the Marshall Islands may enter the U.S. in a special nonimmigrant status, under the Compact of Free Association. These nonimmigrants are authorized to work pursuant to their status and are NOT required to have an employment authorization document (EAD).

Frequently Asked Questions

Can I work in the United States?

An unexpired passport with an unexpired I-94 showing a legal admission to the U.S. under the Compact of Free Association (CFA) is valid proof of work authorization. An employment authorization document is no longer needed to establish authorization to be legally employed in the U.S. as a citizen of Micronesia or the Marshall Islands. You may still apply for an EAD if you choose to do so. If you choose to apply for the EAD, you would file an I-765 under the category of (a)(8).

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Chapter 4	General Nonimmigrant Information
Unit 3	Passports and Nonimmigrant Visas, Visa Alternatives, the Visa Waiver Program, Border Crossing Cards and Global Entry

OVERVIEW

Most nonimmigrants must have a passport and a visa to come to the U.S.

- A visa can take various forms. Most commonly it is a label or stamp placed in a passport by the U.S. consulate. It can also be a Border Crossing Card.
- To simplify travel, certain tourists and visitors for business can enter without a visa under the Visa Waiver program.
- To expedite their travel, certain businessmen who frequently travel to the U.S. can enroll in Global Entry.

Frequently Asked Questions

- Which nonimmigrants need passports and visas to come to the U.S.?
- Questions about Border Crossing Cards
- Questions about the Visa Waiver Program
- Questions about the Paperless Visa Waiver Program or ESTA
- Are there programs that can streamline the process of entering the U.S. at airports and land border ports? What is Global Entry?

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Border Crossing Cards

- What is a Border Crossing Card?
- Where do I apply for a Border Crossing Card or renew or replace my card?
- Is my old Border Crossing Card (BCC) still valid?

Visa Waiver Program

- What is the Visa Waiver Program?
- How long can a person admitted under the Visa Waiver Program stay in the U.S.? Are there special conditions to their stay?
- Can a person admitted under the Visa Waiver Program return after a temporary trip abroad?
- I am visiting under the Visa Waiver Program, but I can't leave as scheduled due to an emergency. Is there anything I can do to extend my stay?
- What types of emergencies would qualify me for a grant of satisfactory departure?
- How do I apply for a grant of satisfactory departure?

Paperless VW Program ESTA

- What is ESTA?
- What is the benefit of ESTA?
- What information do I need to provide when completing the ESTA on line?
- Can I use ESTA service at the port of entry?
- For how long is my ESTA approval valid?
- What can I expect at the port of entry if I arrive by air or by sea?
- Can any air carrier deny me to travel to the United States?
- If I have a pending application with USCIS how can I prove that I entered legally?
- Is there a fee associated with ESTA service?
- How can I pay for ESTA service?
- When is Form I-94W required?
- Where can I find more information about ESTA?
- What if I am denied authorization through ESTA?
- Can I expedite my ESTA application?

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Which nonimmigrants need passports and visas to come to the U.S.?

Most persons coming to the U.S. need a valid passport and a valid visa. Where a passport is required, the passport must meet certain standards.

There are a few exceptions to the normal passport and visa requirement. For example -

- **Citizens of Canada –** a passport is only required if returning from a trip outside the Western Hemisphere (N. America and S. America). A visa is not required.
- **Citizens of Mexico –** a passport and visa is not required if the person has a Border Crossing Card. There are other limited circumstances where a passport and/or visa are not required.
- **Visa Waiver Program –** This program lets eligible citizens from certain countries travel to the U.S., for tourism or on business for a period of up to 90 days without first obtaining an U.S. visa.

There are other examples. **For more information about who needs a passport and passport standards**, we recommend U.S. Customs and Border Protection, which manages the inspection, admission and exit of people from the U.S., or the Department of State, which handles visa issuance. Another option is to contact your own government.

- For CBP, customers can directly check their website at www.cbp.gov or call them at 1-877-CBP-5511 (1-877-227-5511) Monday through Friday between 8:30 AM and 5:00 PM, Eastern Time.
- For the State Department, customers can directly check their website at www.travel.state.gov or contact the nearest U.S. consulate.

What is a Border Crossing Card?

A Border Crossing Card, or BCC, is simply a visa issued as a card instead of as a label or stamp in a passport. The BCC is a type of B nonimmigrant visa. It is issued to tourists and persons coming to the U.S. temporarily on business.

Today cards are only issued to applicants from Mexico. An older version was issued to Mexicans and Canadians.

Where do I apply for a Border Crossing Card or renew or replace my card?

The Department of State administers this program, just as it issues other kinds of visas. They accept applications at select consulates and processing sites in Mexico. **For information and applications –**

- see the U.S. Embassy in Mexico City's website at www.usembassy-mexico.gov
- or see the Department of State webpage about Border Crossing Cards on their website at www.state.gov
- or call the Department of State -
  - in Mexico call 01-900-849-4949
  - in the U.S. call 202-647-4000

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Is my old Border Crossing Card (BCC) still valid?

No. The current card has an optical stripe on the back, with the cardholder's photo etched into the stripe. Earlier versions of the card are no longer valid.

However, Canadians who have an unexpired version of the older card, which indicates they were given a waiver of inadmissibility so they can travel to the U.S., may still use the card to show that the waiver was granted. New BCCs are not issued for this purpose.

- For information about these waivers of inadmissibility, we recommend you contact U.S. Customs and Border Protection, the agency that manages the inspection, admission and exit of people from the U.S. Customers can directly check their website at www.cbp.gov or call them at 1-877-CBP-5511 (1-877-227-5511) Monday through Friday between 8:30 AM and 5:00 PM, Eastern Time.

What is the Visa Waiver Program?

The Visa Waiver Program, lets eligible citizens from certain countries travel to the U.S. for tourism or on business for a period of up to 90 days without first obtaining a U.S. visa. To be eligible, you must be a citizen of a participating country, your passport must meet certain standards, and you must be coming to the U.S. for 90 days or less solely as a temporary visitor – either for business (**B1**) or as a tourist (**B2**).

For information about participating countries, standards and requirements, check the U.S. Department of State's website or contact the nearest U.S. consulate.

How long can a person admitted under the Visa Waiver program stay in the U.S.? Are there special conditions to their stay?

- A person admitted under the Visa Waiver Program can stay for up to 90 days, but cannot get an extension of stay or change of status.
- The person cannot work or study in the U.S. and must comply with all the normal conditions of their status as a **B2** nonimmigrant tourist or **B1** visitor for business.

Can a person admitted under this program return after a temporary trip?

Yes. A person admitted under the Visa Waiver Program who travels to a foreign contiguous territory or an adjacent island may be readmitted for the balance of his or her original Visa Waiver admission if

- otherwise admissible, and
- he or she continues to meet all the conditions for admission under the Visa Waiver Program.

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What is ESTA?

ESTA is an Electronic System for Travel Authorization administered by the Department of Homeland Security. ESTA is a paperless process for the Visa Waiver Program (VWP) travelers arriving by air or sea.

What is the benefit of ESTA?

The benefit of ESTA is you will no longer have to fill in FORM I-94W every time you enter the USA. It also mean as a traveler you will know before you leave your country of origin and arrival in the U.S, that you would be ok for entry (but not guaranteed).

What information do I need to provide when completing the ESTA on line?

You will need to provide some basic biographical and travel information. For more information, please visit the ESTA website at https://esta.cbp.dhs.gov.

Can I use ESTA service at the port of entry?

No. A nonimmigrant must complete the application via ESTA and obtain travel authorization before boarding carriers' en route to the United States. An ESTA application may be submitted at any time prior to travel.

For how long is my ESTA approval valid?

Once your ESTA is approved, it is valid for two years or until your current passport expires. Authorizations will be valid for multiple entries into the United States.

What can I expect at the port of entry if I arrive by air or by sea?

If admitted under the new automated process at the designated port of entry, the CBP officer will stamp your passport and annotate it with the class of admission WT/WB.

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Can any air carrier deny me to travel to the United States?

Yes, VWP travelers who have not obtained approval through ESTA could expect to be denied boarding on any air carrier bound for the United States.

If I have a pending application with USCIS how can I prove that I entered legally?

You can make a copy of the admission stamp issued to you by the CBP officer and you submit it to USCIS as evidence of your entry.

Is there a fee associated with ESTA service?

Yes, there is a US $4 ESTA fee and a $10 TPA (Travel Promotion Act) fee. The $4 ESTA fee is charged each time a new ESTA application is submitted. The $10 TPA fee will be charged whenever a new ESTA travel authorization is granted.

How can I pay for ESTA service?

You may pay by using a major credit card.

When is Form I-94W required?

The Form I-94W will continue to be required at land borders, in case of system outages, and at a port of entry that has not completed the transition to automated processing.

Where can I find more information about ESTA?

For more information, you may visit the ESTA web page at: https://esta.cbp.dhs.gov/ or visit the state department web site: www.state.gov under the visa waiver program (VWP).

What if I am denied authorization through ESTA?

Travelers unable to received authorization through ESTA may still apply for a visa to travel to the United States.

Can I expedite my ESTA application?

Most applications receive an immediate response. However, if necessary, an individual may request an expedited review by calling the ESTA Help Desk at 202-344-3710.

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Are there programs that can streamline the process of entering the U.S. at airports and land border ports? What is Global Entry?

U.S. Customs & Border Protection (CBP) manages the inspection, admission and exit of people from the U.S. CBP provide multiple programs that expedite the process when entering the U.S.

Global Entry is one of the CBP programs that allow expedited clearance for pre-approved, low-risk travelers upon arrival in the United States. Participants may enter the United States by using automated kiosks located at select airports. All applicants undergo a background check and in-person interview before enrollment.

For information about Global Entry and about other CBP programs and projects, visit their website is at www.cbp.gov.

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Chapter 4	General Nonimmigrant Information
Unit 4	Information about the Nonimmigrant Student Fee

OVERVIEW

The nonimmigrant student fee applies to anyone who wants to become a nonimmigrant academic student or a nonimmigrant vocational student in the U.S. or who wants to be reinstated to that status. The fee also applies to many people who want to become nonimmigrant exchange visitors.

Where it applies, the student/ exchange visitor must pay the fee and have the receipt before applying for a visa or change of status.

Form I-901 is used to submit the fee.

Frequently Asked Questions about the student fee -

- Who has to pay the student fee?
- When and how do I pay the student fee? What form should I use?
- How can I get the form to submit the fee?
- How much is the student fee?
- Can someone else pay the fee for me?
- How can I get more information about this fee and find help to decide if I must pay it?

FAQ's after you have paid the fee -

- If you have filed the I-901 but not yet received a receipt, have a problem with your receipt, need a duplicate, or need to update information on your receipt
- For student fee refund questions, please see the following link: U.S. Immigration and Customs Enforcement SEVIS webpage

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Who has to pay the student fee?

Students –The student fee applies to both academic and vocational students (**F1**, **F3**, **M1** and **M3**). When a school accepts a foreign student, it issues a form I-20. For information about the student fee, we suggest you contact your school's foreign student advisor or see the I-901 form. But, in general –

- A student fee applies if the I-20 was issued on or after September 1, 2004.
- Any student applying for reinstatement on or after September 1, 2004 must pay a new student fee.
- Any student whose studies are interrupted for 5 or more months must pay a new student fee before applying for a new student visa or reinstatement.

Exchange visitors – When an exchange program accepts a person into an exchange program, it issues a form DS-2019. For information about the student fee, we suggest you contact the exchange program's coordinator. But, in general –

- A student fee applies if the DS-2019 was issued on or after September 1, 2004 to a person to study in the U.S.
- Any exchange visitor applying for reinstatement on or after September 1, 2004 must pay a new student fee.
- Any exchange visitor whose exchange program has been interrupted for 120 days or more.

However, the fee usually does not apply to a person who is seeking exchange visitor status in a government sponsored program for the first time. You can identify these programs because the program identifier starts with **G-1**, **G-2** or **G-3**.

When and how do I pay the student fee? What form should I use?

- Once the prospective student or exchange visitor receives the Form I-20 or Form DS-2019, he or she can pay the fee.
- Use Form I-901 to submit your fee. The form has extensive instructions designed to help you understand the fee requirement and to determine whether you must pay the fee.
- USCIS will mail you a receipt when we receive the fee payment.
- The prospective student or exchange visitor must then submit that fee receipt with their application for a nonimmigrant visa, change of status or reinstatement. If a visa is not required, the student will need to show the receipt when applying for entry to the U.S.

How can I get the form to submit the fee?

- You can e-file. That means you can fill the form out and submit it through the Immigration and Customs Enforcement (ICE) website at www.ice.gov and pay with a credit card. We recommend e-filing because it is the fastest and easiest way to submit your fee.
- A second choice is to download the I-901 from the Immigration and Customs Enforcement (ICE) website at www.ice.gov.
- You may also be able to get the form from the school's foreign student advisor or the exchange program's coordinator.
- If you are in the U.S., you can also have us mail you the forms. To order them, call customer service at 1-800-375-5283.
- Lastly, if you are in the U.S., you can go to one of our Local Offices to pick up these forms. If you are outside the U.S., you can have a friend or relative or the school send them to you, or they may be available from the U.S. consulate.

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Can someone else pay the fee for me?

Yes. Any person or organization can file the I-901 and pay your student fee. If someone other than your school or exchange program files the I-901, be sure you give them the information from your I-20 or DS-2019 so they can complete the I-901 accurately.

How can I get more information about this fee, and help to decide if I must pay it?

- We recommend you start with the school or exchange program.
- Next, we recommend the I-901 form. It has extensive instructions designed to help you understand the fee requirement and to determine whether a particular student must pay the fee.
- Customers can also directly access an I-901 self-help guide on the ICE website at www.ice.gov to help them determine if they must pay the fee.
- The student fee is administered by U.S. Immigration and Customs Enforcement, a separate agency. Customers can directly access extensive information about the fee on their website at www.ice.gov.

If you have filed the I-901 but not yet received your receipt, have a problem with your receipt, need a duplicate, or need to update information on your receipt.

- Expect to receive your receipt within 4 weeks. If you do not receive it in that time, call us at 212-620-3418.
- Two weeks after you submit your payment, you can call us at the above number to verify that we have received your I-901 and fee. But you will still have to wait to get your receipt in the mail before applying for a visa or status.
- If you have a problem with your receipt, need a duplicate or need to update information on your receipt, call us at the above number.

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Chapter 4	General Nonimmigrant Information
Unit 5	Certification Requirement for Foreign Health Care Workers

OVERVIEW

Before they are granted a visa and status, most immigrant and nonimmigrant health care workers must first be certified by an approved independent credentialing organization before they will be allowed to work in the U.S.

Frequently Asked Questions

- Which medical occupations require certification?
- Does the certification requirement apply to both immigrants and nonimmigrants?
- What is reviewed as part of the certification process?
- Have any programs been designated as comparable to programs in the U.S.?
- Does everyone who seeks to come to the U.S. as a health care worker have to pass a test of English proficiency?
- Who issues the certification, and how does someone apply for certification?
- How long does certification take?
- How long is a certification valid?
- When and how do I submit my certification to the U.S. Government?
- How can I get more information about the requirement, about how to apply for certification and about acceptable tests?

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Which medical occupations require certification?

Note to Representative: **If customer asks if one of the following occupations requires a certification provide them the answer in the following format.**
Yes, to work as a *listed occupation* you need a certification. If they ask which occupations require certification provide the customer the entire list.

You need a certification if your medical occupation is on the following list:

- Nurses,
- Physical Therapists,
- Occupational Therapists,
- Speech-Language Pathologists and Audiologists,
- Medical Technologists (also known as Clinical Laboratory Scientists),
- Medical Technicians (also known as Clinical Laboratory Technicians), and
- Physician Assistants.

Does the certification requirement apply to both immigrants and nonimmigrants?

The requirement applies to anyone who wants to immigrate based on a job offer in any of these occupations, or who wants to come to the U.S. as a nonimmigrant worker in any of these occupations, or change nonimmigrant status to become a nonimmigrant worker. However, the requirement does not apply to **F1** students, **J1** exchange visitors and **H3** trainees coming to school or for practical training.

What is reviewed as part of the certification process?

The certification process can vary depending on the occupation. Typically it will involve –

- A review of the applicant's educational credentials to ensure they meet all requirements for the profession in which the person would work in the U.S., and are equivalent to those of a graduate of a U.S. school seeking licensure.
- A licensure review to evaluate past and present licenses held by the individual.
- A review of the person's English language proficiency as shown by passing a test approved by the U.S. Department of Education and the U.S. Department of Health and Human Services.
- Nurses must also present a CGFNS Certificate (Commission on Graduates of Foreign Nursing Schools) or a passing score on the NCLEX-RN® examination as proof of their nursing knowledge.

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Have any programs been designated as comparable to programs in the U.S.?

Yes. The following programs also meet the educational comparability requirements:

- **For nurses**, graduation from an entry-level program accredited by the National League for Nursing Accreditation Commission (NLNAC) or the Commission on Collegiate Nursing Education (CCNE);
- **For occupational therapists**, graduation from a program accredited by the Accreditation Council for Occupational Therapy Education (ACOTE) of the American Occupational Therapy Association (AOTA);
- **For physical therapists**, graduation from a program accredited by the Commission on Accreditation in Physical Therapy Education (CAPTE) of the American Physical Therapy Association (APTA); and
- **For speech language pathologists and audiologists**, graduation from a program accredited by the Council on Academic Accreditation in Audiology and Speech Language Pathology (CAA) of the American Speech-Language-Hearing Association (ASHA).

Does everyone who seeks to come to the U.S. as a health care worker have to pass a test of English proficiency?

A person is exempt from the English language requirement if he or she has graduated from a college, university or professional school in any of the following countries –

- Australia,
- Canada (except Quebec),
- Ireland,
- New Zealand, and
- The United Kingdom, and
- The United States.

The test is required for all other foreign health care workers.

Who issues the certification, and how does someone apply for certification?

The following organizations are authorized to issue certificates for the listed health care occupations:

- The Commission on Graduates of Foreign Nursing Schools (CGFNS) - authorized to issue certificates to all seven health care occupations.
- The National Board for Certification in Occupational Therapy - authorized to issue certificates for occupational therapists.
- The Foreign Credentialing Commission on Physical Therapy - authorized to issue certificates for physical therapists.

To apply for certification, contact an appropriate certifying organization. For further information, points of contact are -

- The Commission on Graduates of Foreign Nursing Schools (CGFNS) – www.cgfns.org
- The National Board for Certification in Occupational Therapy – www.nbcot.org
- The Foreign Credentialing Commission on Physical Therapy – www.fccpt.org

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How long does certification take?

Certification depends in large part, on how long it takes the individual to gather all the necessary documentation for certification. USCIS regulations require that credentialing organizations complete their process within 60 days **after** the applicant submits all the required academic and documents and professional licenses.

How long is a certification valid?

Certificates are valid for 5 years and must be presented each time the nonimmigrant health care worker seeks admission to the U.S.

When and how do I submit my certification to the U.S. Government?

It should be submitted with the petition filed by the I-129 nonimmigrant worker petition or the I-140 immigrant worker petition the employer submits.

How can I get more information about the requirement, about how to apply for certification, and about acceptable tests?

You may want to contact your prospective employer in the U.S., a professional association, or one of the approved certification organizations for information.

Customers can also directly research rules and requirements on the USCIS website at www.uscis.gov/laws.

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Chapter 5 Changing Your Address as a Nonimmigrant

If You do Not Have a Case Pending with USCIS

Most non U.S. citizens who are in the U.S., are *required* by law to notify USCIS of any change of address within 10 days after moving to a new address. To notify us of your change of address, you must file the Form AR-11, *Change of Address*. Also, the Form AR-11 can now be completed electronically on our website at www.uscis.gov/addresschange.

If You Do Have a Pending Case

Even though it is not required by law, if you have filed any application or petition with us and it is still pending a decision, you will want to keep us informed of any change of address so you can get any notices or decisions from us. You can personally update your address electronically on our website for most applications and petitions at www.uscis.gov/addresschange. If you use the Online Change of Address system, it will file the Form AR-11 and change your address on any pending or recently approved applications or petitions at the same time.

Information about the best way to notify USCIS of a change of address.

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WHAT INFORMATION ARE YOU SEEKING? (PLEASE CHOOSE ONE BELOW)

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Chapter 1 Filing for Asylum

OVERVIEW

Refugee status is not the only special program option available to foreign nationals who seek protection in the United States. Foreign nationals may file for asylum if they are already in the U.S. and wish to seek protection here and remain in the United States on a permanent basis. Filing for asylum may allow a foreign national to remain in the United States based on past persecution or a well-founded fear of future persecution in their country of origin based on one or more of the following factors:

- Race
- Religion
- Nationality
- Membership in a particular social group
- Political Opinion

Note to Representative: For information about asylum for Unaccompanied Alien Children (UACs), please see the UAC Chapter.

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Unit 1 General Information about Applying for Asylum

General FAQs about Filing for Asylum

Who can apply for Asylum?

When can I apply for Asylum?

Are there differences in the application processes between filing with USCIS and filing with the immigration court?

What is the process for Requesting Asylum at the Port of Entry?

If I'm outside the country, how do I seek Asylum?

How do I apply for Asylum with USCIS?

Do I need an interpreter to accompany me to my appointment or interview?

Can my child or other relative be my interpreter?

What about my Spouse and Children?

What if I don't appear for an interview?

What happens when an application is referred to the Immigration Court?

Where can I find additional information?

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Who can apply for Asylum?

You may apply for asylum if you are:

- Physically present in the United States or arriving at a port of entry to the United States.

In order to be eligible for asylum you would also need to establish that you are:

- Unable or unwilling to return to your country of nationality or, if stateless, country of last habitual residence, because of past persecution or a well-founded fear of future persecution on account of your race, religion, nationality, membership in a particular social group, or political opinion (including resistance to coercive population control measures).

Note: ***You can include a spouse and any unmarried children under age 21 who are physically present in the United States in your asylum application. If your asylum application is approved, you may be able to petition for certain family members who are not yet in the United States.***

You may file for asylum regardless of your immigration status in the United States. However, if you have been placed in proceedings in Immigration Court, you cannot apply with USCIS; you'll have to apply with the Immigration Court.

When can I apply for Asylum?

If you choose to file for asylum, in order to remain eligible you must file the application within 1 year of your last arrival into the United States unless you can demonstrate either:

- Changed circumstances, which materially affect your eligibility for asylum, or
- Extraordinary circumstances relating to the delay in filing.

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Are there differences in the application processes between filing with USCIS and filing with the immigration court?

An asylum applicant may be classified as either an:

- **Affirmative Asylum Applicant – (applied initially with USCIS) or**
- **Defensive Asylum Applicant – (applied initially with Immigration Court)**

Affirmative Asylum Process –

- Asylum applicant, who has not been placed in removal proceedings, comes forward to USCIS and files an application for asylum. He or she has initiated the process.
-
- USCIS will either approve the asylum application, deny the asylum application, or refer the individual to Immigration Court where the asylum adjudication process will continue.

Defensive Asylum Process --

- The U.S. government initiates action to remove an alien from the United States. An alien files an asylum application with the Immigration Court as a defense against removal from the United States.

- An immigration judge adjudicates the asylum application.

Note: In both the affirmative and defensive process, in order to be granted asylum, the applicant must meet the 1-year filing deadline described above, or show that an exception applies.

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What is the process for Requesting Asylum at the Port of Entry?

You must first inform an Immigration Representative/United States Government Official that you would like to request asylum. What happens next will depend on your particular circumstances, but generally you will receive an interview with an U.S. government official where you can explain why you wish to seek asylum. You may be detained for a certain amount of time while your case is resolved.

If I'm outside the country, how do I seek Asylum?

If you are outside of the United States, you would be seeking refugee status. You should speak with an officer at the nearest United States Consulate or United States Embassy. The officer will advise you about the correct procedures to follow.

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How do I apply for Asylum with USCIS?

To apply for asylum, the principal applicant must submit to the USCIS Service Center that has jurisdiction over the applicant's place of residence the following:

- Two (2) copies of an original Form I-589, Application for Asylum and Withholding of Removal, which is completed in English and signed by the applicant and preparer, if any. The Form I-589 must have original signatures and should be accompanied by any available supplementary documents and/or detailed statements explaining why you are seeking asylum.

- One (1) passport-style photograph taken within 30 days of filing the Form I-589.

- One (1) Copy of All Passport Pages - If an applicant has a passport, he/she should submit one (1) copy of it cover to cover, with the asylum application and bring the original to the asylum interview.

- The Asylum Division may provide language interpreters at the interview if the applicant requests an interpreter in advance.

Do I need an interpreter to accompany me to my appointment or interview?

The Asylum Division may provide language interpreters at the interview if you, the applicant, request an interpreter in advance. If you are hearing impaired, USCIS may be able to provide a sign language interpreter, if requested in advance. You may also bring your own interpreter with you, if he/she is able to certify that he/she can accurately translate to and from English and your native language.

Can my child or other relative be my interpreter?

Unless it is an emergency situation, children and other immediate relatives should not be used as interpreters. Every attempt should be made to use an interpreter who is a disinterested third party. (***Please note that local offices have the discretion to accept or reject any person as an interpreter).***

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What about my Spouse and Children?

A spouse and any child (under the age of 21 and unmarried) who is physically present in the United States may be included on the principal applicant's I-589 as a dependent derivative. If an applicant has a spouse or child in the U.S. who wants to be included as a dependent on the Form I-589, an applicant must also submit the following for each dependent:

1. One (1) additional copy of the principal applicant's original Form I-589.

2. One (1) passport-style photograph taken within 30 days of filing Form I-589.

3. Three (3) copies of a marriage certificate, if the dependent is a spouse.

4. Three (3) copies of a birth certificate, if the dependent is a child.

If a principle applicant does not have and is unable to obtain a marriage or birth certificate, he or she may submit three (3) copies of secondary evidence of the relationship. Secondary evidence may include, but is not limited to, medical records, school records and religious documents. Affidavits or sworn statements may also be accepted. All original documents should be brought to the asylum interview.

What if I don't appear for an interview?

It is very important that you appear for the asylum interview, especially if you are not in lawful immigration status. If you fail to appear for the asylum interview and your failure to appear is not excused, USCIS may refer your asylum application to an immigration judge by issuing a Notice to Appear (NTA) and placing you into removal proceedings. If you cannot appear for the scheduled asylum interview, you should send a written request to the asylum office that has jurisdiction over the asylum application explaining the reason you cannot appear and requesting that the interview be rescheduled.

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What happens when an application is referred to the Immigration Court?

An asylum applicant that has been referred to the Immigration Court by an asylum office will receive a new hearing on his or her claim to asylum by an immigration judge. The immigration judge hearing the case makes an independent determination on asylum eligibility and is not bound by the decision of the asylum office. The immigration judge may consider any evidence submitted to the asylum office, and may also consider new evidence provided in Immigration Court. Asylum applicants have the right to be represented by an attorney, at no cost to the U.S. Government, at all stages of the asylum process, including while in removal proceedings.

If the immigration judge finds the applicant ineligible for asylum, the applicant may appeal this decision to the Board of Immigration Appeals (BIA).

- If the applicant receives an oral decision from the judge, he/she must state in court if he/she wishes to appeal that decision.
- The immigration judge provides the applicant with the appropriate appeal forms that must be filed within 30 days of the judge's decision.
- If the applicant receives a written decision, the applicant's appeal rights will be specified on the decision form.
- The timely filing of an appeal allows the applicant to remain in the United States while the appeal is pending, and to apply for (or renew) employment authorization.
- Form EOIR-26, Notice of Appeal from a Decision of an Immigration Judge, is the form that must be filed with the BIA to appeal the decision of an immigration judge.

Where can I find additional information?

The USCIS Asylum Division released a pamphlet entitled ***Information Guide for Prospective Asylum Applicants***, which is intended to serve as a practical resource for potential asylum applicants. You may access this Guide be visiting the Asylum Division's website at www.uscis.gov/asylum and select the appropriate link on the right-hand side.

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Unit 2 Employment Authorization While the Asylum Application is Pending

An asylum applicant cannot file Form I-765, Application for Employment Authorization, unless at least 150 days have elapsed since the asylum applicant filed his or her asylum application, and the case is still pending. An asylum application is considered "pending" if the case meets either of the following criteria:

- 150 days has passed and no decision has been made on Form I-589; or
- The Form I-589 was referred by the Asylum Office to the Immigration Court and, after 150 days from the date it was filed, has not yet been decided by an immigration judge.

If the applicant's case history meets any one of the above scenarios, he/she may file Form I-765 under the (c)(8) category. There is no fee for the initial application. Applicants should see Form I-765 instructions for more detailed information.

Note to Representative:

- If an application for asylum is denied before 150 days from the date of filing the Form I-589, the asylum applicant is not eligible to file for employment authorization under the (c)(8) category on the Form I-765 at any time thereafter.
- If an application for asylum is denied before an application for employment authorization filed under the (c)(8) category is decided, the employment authorization will be denied.

How long does USCIS have to make a decision on the initial Form I-765?

If properly filed, USCIS must make a decision on the *initial* Form I-765 under the (c)(8) category within 30 days from the date it was received at the Service Center. Failure to adjudicate the initial (c)(8) Form I-765 within 30 days will render the applicant eligible to request an interim EAD from a USCIS local office.

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Unit 3 Traveling Outside the U.S. While the Asylum Application is pending

Do I have to get a travel document before I leave the United States while my application for asylum is pending?

May I apply for a travel document to leave the United States and return while my application for asylum is pending?

What form do I use to apply for Advance Parole?

Once I have the Advance Parole document, can I travel to any country?

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Do I have to get a travel document before I leave the United States while my application for asylum is pending?

Yes. If you leave the United States without first obtaining Advance Parole, your application for asylum could be considered abandoned.

May I apply for a travel document to leave the United States and return while my application for asylum is pending?

You may apply for Advance Parole while your asylum application is pending. If your application is approved and you obtain Advance Parole, you may depart and return to the United States. However you should be aware that obtaining Advance Parole does not guarantee reentry into the United States.

What form do I use to apply for Advance Parole?

The Form I-131, Application for Travel Document, is used to apply for Advance Parole.

Once I have the Advance Parole document, can I travel to any country?

An Advance Parole document may allow you to re-enter the United States and continue to pursue your application for asylum. However, an applicant for asylum who leaves the United States with an Advance Parole document and returns to the country from which they are claiming persecution shall be presumed to have abandoned his or her application, unless the applicant is able to establish compelling reasons for such return.

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Chapter 2 Asylum for Unaccompanied Alien Children

OVERVIEW

New procedures were created due to the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA). USCIS has initial jurisdiction over applications for asylum filed by all Unaccompanied Alien Children (UACs). Even UACs who have been issued a Notice to Appear in immigration court can have their application for asylum adjudicated by USCIS if they were UACs on the date they filed for asylum. The TVPRA also provides an opportunity for UACs, who did not previously file for asylum with USCIS and who have a pending case in immigration court, on appeal to the Board of Immigration Appeals, or in federal court, to have their asylum claim heard and adjudicated by a USCIS Asylum Officer in a non-adversarial setting.

Who is an Unaccompanied Alien Child (UAC)?

How can I apply for asylum?

When should I apply for asylum?

Can I apply for asylum with USCIS even if I am already in removal proceedings in immigration court?

Where can I find additional information?

I was in custody with the Office of Refugee Resettlement (ORR) and was released to a parent or relative. Am I still a UAC?

I was in custody with the Office of Refugee Resettlement (ORR) and turned 18 years old after I was released. Am I still a UAC?

I am a UAC and I wish to apply for asylum. However, I was not issued a Notice to Appear and have never been in immigration court. Where do I apply?

I am a UAC who was in Office of Refugee Resettlement (ORR) custody and was issued a Notice to Appear in immigration court. I have not previously filed for asylum. Can I file directly with USCIS or do I have to wait until my hearing date in immigration court?

I am in removal proceedings and filed a Form I-589, Application for Asylum and for Withholding of Removal, with USCIS. Will ICE and the immigration judge know I applied for asylum?

If I was issued a Notice to Appear and then applied for asylum with USCIS, do I still have to appear in immigration court?

What happens if I am in removal proceedings and I do not file a Form I-589, Application for Asylum and for Withholding of Removal, with USCIS?

I am a UAC and my asylum application was pending in immigration court, on appeal before the Board of Immigration Appeals, or with a federal court when the TVPRA took effect. May I request that USCIS adjudicate my asylum application?

How do I know if CBP or ICE has made a previous UAC status determination in my case?

I am an unaccompanied minor in removal proceedings but have never been in Office of Refugee Resettlement (ORR) custody. May I request that USCIS adjudicate my asylum application?

What do I do if I was released from an Office of Refugee Resettlement (ORR) facility or my address otherwise changed?

I am currently in Office of Refugee Resettlement (ORR) custody. Are the procedures any different for me?

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Who is an Unaccompanied Alien Child (UAC)?

Unaccompanied Alien Child (UAC) is a legal term referring to a child who: has no lawful immigration status in the United States; has not attained 18 years of age; and has no parent or legal guardian in the United States, or for whom no parent or legal guardian in the United States is available to provide care and physical custody.

How can I apply for asylum?

All UACs must file Form I-589, Application for Asylum and for Withholding of Removal. You can access the form on our website at www.uscis.gov/forms. Please follow the instructions to the form except that you must submit your application to the Nebraska Service Center.

If you are a UAC, you should also submit proof that you were determined to be a UAC with your Form I-589. Evidence that you were in Office of Refugee Resettlement (ORR) custody as a UAC, such as either the ORR Initial Placement Form or the ORR Verification of Release Form, can show that you were determined to be a UAC.

When should I apply for asylum?

The requirement to file your asylum application within 1 year of your last arrival into the United States does not apply to you as long as you have a UAC status determination in place. However, you should file your asylum application as soon as you are able to do so.

Can I apply for asylum with USCIS even if I am already in removal proceedings in immigration court?

Yes. If you are a UAC, you should file your asylum application with USCIS even if you have already been issued a Notice to Appear in immigration court. However, you must attend all scheduled hearings in immigration court while your asylum application is pending with USCIS. You should also take a copy of your USCIS receipt notice to your next immigration court hearing to show the immigration judge and the ICE trial attorney.

Where can I find additional information?

The USCIS Asylum Division has a web page titled "Minor Children Applying for Asylum by Themselves" that contains more information and answers to frequently asked questions. You may access this page by visiting the Asylum Division's website at www.uscis.gov/asylum and selecting the appropriate link on the right-hand side.

I was in custody with the Office of Refugee Resettlement (ORR) and was released to a parent or relative. Am I still a UAC?

Under updated procedures effective June 10, 2013, USCIS will adopt a prior UAC status determination made by CBP or ICE that was in place on the date you first filed for asylum. If either CBP or ICE found that you were a UAC and transferred you to ORR custody, USCIS will generally take jurisdiction over your asylum application, and generally will not conduct further inquiry into whether you may have reunited with a parent or legal guardian after CBP or ICE determined that you were a UAC.

Back to: UAC Chapter Asylee and Refugee Benefits Main Menu

I was in custody with the Office of Refugee Resettlement (ORR) and turned 18 years old after I was released. Am I still a UAC?

Under updated procedures effective June 10, 2013, USCIS will accept a prior UAC status determination made by CBP or ICE if that status determination was still in place on the date you first filed for asylum. If either CBP or ICE found that you were a UAC and transferred you to ORR custody, and there was no action taken by ICE, CBP or ORR to terminate that UAC finding, USCIS will take jurisdiction over your asylum application and will not generally re-determine whether you meet the age or other elements of the UAC definition.

I am a UAC and I wish to apply for asylum. However, I was not issued a Notice to Appear and have never been in immigration court. Where do I apply?

If you are a UAC who was not issued a *Notice to Appear* in immigration court and you wish to apply for asylum, you can file an asylum application with USCIS. You should follow the general instructions for asylum applicants not in proceedings in immigration court in the Form I-589, *Application for Asylum and for Withholding of Removal,* available at www.uscis.gov/forms.

I am a UAC who was in Office of Refugee Resettlement (ORR) custody and was issued a Notice to Appear in immigration court. I have not previously filed for asylum. Can I file directly with USCIS or do I have to wait until my hearing date in immigration court?

You can file Form I-589 directly with USCIS before appearing in immigration court. You should submit proof that you were determined to be a UAC with your Form I-589. Evidence that you were in ORR custody as a UAC, such as either the UAC Initial Placement Referral Form or the ORR Verification of Release Form, can show that you were determined to be a UAC. However, **you must attend all scheduled immigration court hearings**. You should inform the immigration judge and the Immigration and Customs Enforcement (ICE) trial attorney that you filed Form I-589 with USCIS and provide the status of your application with USCIS, including whether you have been interviewed or have an interview scheduled. If you have already appeared in immigration court and been provided with a UAC Instruction Sheet, please submit it to USCIS with your asylum application.

I am in removal proceedings and filed a Form I-589, Application for Asylum and for Withholding of Removal, with USCIS. Will ICE and the immigration judge know I applied for asylum?

After you have filed for asylum with USCIS, **you must appear at any hearings scheduled in immigration court**. You should be certain to tell the immigration judge and ICE trial attorney that you have filed an application with USCIS and at your next hearing in immigration court, you may be required to provide a copy of your USCIS receipt notice to the ICE trial attorney.

If I was issued a Notice to Appear and then applied for asylum with USCIS, do I still have to appear in immigration court?

Yes. Even while pursuing the asylum claim, you must appear in immigration court if you have a hearing scheduled. At the hearing, ICE may again seek to continue your case to allow USCIS to adjudicate your asylum application.

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What happens if I am in removal proceedings and I do not file a Form I-589, Application for Asylum and for Withholding of Removal, with USCIS?

If you indicated that you wished to apply for asylum and you fail to file a Form I-589, *Application for Asylum and for Withholding of Removal*, USCIS cannot adjudicate your asylum application and the immigration judge may proceed with your removal proceedings.

I am a UAC and my asylum application was pending in immigration court, on appeal before the Board of Immigration Appeals, or with a federal court when the TVPRA took effect. May I request that USCIS adjudicate my asylum application?

Yes. USCIS also has initial jurisdiction over asylum applications filed by UACs who, on December 23, 2008 (the date the TVPRA was enacted), had proceedings pending before DHS or the Executive Office for Immigration Review (i.e., either before an immigration court or the Board of Immigration Appeals), or had related Federal appeals pending (i.e., a petition for review with a federal court). If your case was pending in any of these places and you filed for asylum as a UAC, and if your asylum claim was never adjudicated by USCIS, you should raise your concerns in the context of those proceedings.

How do I know if CBP or ICE has made a previous UAC status determination in my case?

If you were apprehended by CBP or ICE and transferred to ORR custody, it is most likely because CBP or ICE determined that you were a UAC. An Asylum Officer will know if a previous UAC status determination has been made in your case by examining the documents in your alien file.

I am an unaccompanied minor in removal proceedings but have never been in Office of Refugee Resettlement (ORR) custody. May I request that USCIS adjudicate my asylum application?

Yes. You can file Form I-589 directly with USCIS. You should inform the immigration judge that you believe you are a UAC. **You must attend all scheduled immigration court hearings**. You should inform the immigration judge and the Immigration and Customs Enforcement (ICE) trial attorney that you filed Form I-589 with USCIS and provide the status of your application with USCIS, including whether you have been interviewed or have an interview scheduled. If you have already appeared in immigration court and been provided with a UAC Instruction Sheet, please submit it to USCIS with your asylum application. If CBP or ICE has not made a previous UAC status determination in your case, USCIS will have jurisdiction over your asylum case if you were a UAC at the time that you filed your asylum application. The UAC Instruction Sheet, by itself, is not evidence that CBP or ICE has made a UAC status determination in your case. The Asylum Officer will make this determination by asking you questions regarding your age and unaccompanied status.

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What do I do if I was released from an Office of Refugee Resettlement (ORR) facility or my address otherwise changed?

If you change your address after filing a Form I-589 application, you must:

1. Submit a Form AR-11 (Alien's Change of Address Card) to USCIS; and
2. Submit a Form EOIR-33/IC (Alien's Change of Address Form/Immigration Court) to EOIR.

If the forms are not included in the asylum instruction packet you received from ICE, they are available on the Web at www.uscis.gov/forms or www.usdoj.gov/eoir.

I am currently in Office of Refugee Resettlement (ORR) custody. Are the procedures any different for me?

The procedures for filing for asylum are the same. You should submit proof that you were determined to be a UAC, such as the UAC Initial Placement Referral Form, with your Form I-589. ORR will coordinate with the local asylum office if any interview-related issues arise. For more information on ORR's general implementation of the TVPRA, please see ORR's website at www.acf.hhs.gov/programs/orr.

Back to: UAC Chapter Asylee and Refugee Benefits Main Menu

Chapter 3 What Should I Show an Employer When Applying for a Job?

OVERVIEW

Refugees and Asylees are authorized to work in the United States. The date employment authorization begins for refugees and asylees is the date on which they obtain their status and continues for as long as they remain in that status. While refugees and asylees are not required to obtain an Employment Authorization Document (EAD), they may show their eligibility to work in the United States by applying for an EAD by using Form I-765. Individuals may also establish their eligibility to work by using alternate documents, as indicated on Form I-9, Employment Eligibility Verification, such as an unrestricted Social Security Card along with an appropriate government-issued photo identity document.

Note to Representative: The automation of Form I-9 does not impact Refugees and Asylees. Individuals without a foreign passport will be sent by U.S. Customs and Border Protection for secondary inspection upon arrival, where they will be issued a paper Form I-94 with the electronic I-94 number hand-written on the form. Employers and agencies can expect refugees, asylees, and others who do not have travel documents to have these I-94s. This Form I-94 with the hand-written number is the correct admission number and can be used for lawful status verification purposes when necessary.

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Unit 1 What Do I Show to an Employer if I am a Refugee?

OVERVIEW

Refugees are not required to obtain an Employment Authorization Document in order to prove work eligibility. A refugee may prove employment eligibility by using a variety of documents. In most cases, refugees may prove employment eligibility by showing a prospective employer an unrestricted Social Security Card and an acceptable identity document as described on Form I-9. Refugees may also use Form I-94, Arrival/Departure Record, as temporary evidence of employment eligibility after entry into the United States.

If you entered the United States as a refugee, you should have been given a Form I-94, Arrival/Departure Record, when you were inspected at a port of entry. You may use your Form I-94 as temporary proof of your authorization to work in the United States as long as it has an unexpired refugee admission stamp. The Form I-94 may be used as proof for up to 90-days after your entry into the United States. If you use your Form I-94 to prove your employment eligibility, you will be required to show additional evidence at the 90-day re-verification timeframe.

You can get additional evidence of your eligibility to work by using your Form I-94 and a government-issued photo identity document to apply for an unrestricted Social Security Card. For information about how to apply for a Social Security Card, you can visit the Social Security Administration's website at www.ssa.gov, or you can call them at 1-800-772-1213. Once you have your Social Security Card, you can show it to your employer as proof that you are eligible to be employed in the United States.

If you want additional documentation, you can also apply for an Employment Authorization Document (EAD). You can get an EAD by filing Form I-765, Application for Employment Authorization, with USCIS. If you choose to file a Form I-765, please read the instructions carefully before completing and submitting the form. The form can be downloaded from our website at www.uscis.gov.

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Unit 2 What Do I Show to an Employer if I am an Asylee?

OVERVIEW

Asylees are not required to obtain an Employment Authorization Document (EAD) in order to prove work eligibility. However, in most cases, EADs are automatically generated and issued to asylees. An asylee may prove employment eligibility by using a variety of documents. Asylees may prove employment eligibility by showing a prospective employer an unrestricted Social Security Card and an acceptable identity document as described on Form I-9.

As an asylee, you are authorized to work in the United States. As proof, you may use the Form I-94, Arrival/Departure Document, which was issued to you when you were granted asylum. The Form I-94 should have a stamp showing that you were granted asylum under Section 208 of the Immigration and Nationality Act (INA). You may also use this document, along with your asylum approval notice and government-issued photo identity document, to apply for an unrestricted Social Security Card. For information about how to apply for a Social Security Card, you can visit the Social Security Administration's website at www.ssa.gov, or you can call them at 1-800-772-1213. Once you have your Social Security Card, you can show it to your employer as proof that you are eligible to be employed in the United States.

As an asylee, you are not required to obtain an Employment Authorization Document (EAD). However, in most cases, an EAD is automatically generated for you if you have been granted asylum. If you were granted asylum by an Immigration Judge and have not received your EAD, you should schedule an INFOPASS appointment at your nearest USCIS office. When you appear for your appointment, you should bring a copy of the Immigration Judge's order granting you asylum and documents establishing your identity. If you were granted asylum by USCIS and have not received your EAD, you will need to schedule an appointment with the USCIS Asylum Office having jurisdiction over your case.

Back to: Asylee and Refugee Benefits Main Menu

Chapter 4 How Can I Obtain a Refugee Travel Document?

OVERVIEW

Refugees and asylees are granted protection in the United States because they are fleeing their country of nationality due to persecution. As a result, these individuals cannot acquire a passport from their country of nationality. Individuals who have been granted refugee or asylee status in the United States may instead apply for a Refugee Travel Document. This document allows the refugee or asylee to travel outside of and return to the United States and serves as a substitute for a passport. Individuals may obtain a Refugee Travel Document by filing Form I-131, Application for Travel Document, with USCIS.

If you are a refugee or asylee and wish to travel outside the United States, you will need to apply for a Refugee Travel Document. The Refugee Travel Document will allow you to travel outside of and return to the United States, while maintaining your status. The document may be used in place of a passport and is similar in appearance to a U.S. passport.

General FAQs

What is a Refugee Travel Document?

Why would I need a Refugee Travel Document?

How may I apply for a Refugee Travel Document?

How may I obtain the Form I-131?

Where do I file the Form I-131 for a Refugee Travel Document?

Am I going to receive an appointment to get my fingerprints and photographs done?

Can I travel back to the country I fled or claimed a fear of future persecution?

Can I travel back to the country from which I claimed persecution once I have been granted permanent residence based on a grant of asylum?

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What is a Refugee Travel Document?

The Refugee Travel Document, also called Form I-571, is similar in appearance to a U.S. passport and may be used by refugees and asylees to travel and to return to the United States. The document may be used in place of a passport. A Refugee Travel Document is valid for 1 year, or until the date the refugee or asylee status expires, whichever comes first.

Why would I need a Refugee Travel Document?

If you are an asylee or refugee and want to temporarily travel outside the United States, you will need a Refugee Travel Document to maintain your status while traveling outside of the United States and to return.

How may I apply for a Refugee Travel Document?

If you need a Refugee Travel Document, you should file a Form I-131, Application for Travel Document, with USCIS. Please read the instructions carefully before completing and submitting the form. You may find the form and instructions on our website at www.uscis.gov/i-131.

How may I obtain the Form I-131?

You may find and download the form and instructions on our website at www.uscis.gov/i-131. If you do not have access to the internet, you can call our forms request line at 1-800-870-3676 or we can place the order on your behalf if you are ready.

Where do I file the Form I-131 for a Refugee Travel Document?

You may find and download the instructions for the form on our website at www.uscis.gov/i-131. The instructions will provide you with all of the information you need in order to properly file your application.

Am I going to receive an appointment to get my fingerprints and photographs done?

If you have applied for a Refugee Travel Document, you will need to provide biometrics (such as fingerprints and photographs) at a USCIS Application Support Center (ASC). After you file Form I-131, Application for Travel Document, you will be scheduled for an ASC appointment; it is very important that you attend your appointment and bring your appointment notice and identity documents with you. Biometrics is necessary for USCIS to conduct background and security checks and also to create your secure travel document.

Back to: How Do I Get a Refugee Travel Document Asylee and Refugee Benefits Main Menu

Can I travel back to the country I fled or claimed a fear of future persecution?

If your travel abroad suggests that you no longer need the protection of the United States, your status as a refugee or asylee may be terminated. If you return to the country where you experienced past persecution or claim a fear of future persecution, you may be required, upon your return to the United States, to explain your travel to that country to avoid losing your asylee or refugee status. In some cases, returning to the country that you fled can be considered evidence that your fear of persecution is not genuine or that you no longer need the protection of the United States.

In some limited circumstances, you may be able to return to the country where you experienced persecution or claim a fear of future persecution if your stay is of a short duration and you can demonstrate that your return to that particular country was due to compelling reasons.

Can I travel back to the country from which I claimed persecution once I have been granted permanent residence based on a grant of asylum?

If you return to the country where you experienced past persecution or claim a fear of future persecution, you may be required, upon your return to the United States, to explain your travel to that country to avoid losing your status. In some cases, returning to the country that you fled can be considered evidence that your fear of persecution is not genuine or that you no longer need the protection of the United States.

A person granted permanent residence based on a grant of asylum is still subject to the possible consequences of returning to the country of claimed persecution. An individual's underlying asylum status may be terminated even if the individual has already become a lawful permanent resident. In some limited circumstances, you may be able to return to the country you fear if your stay is of a short duration and you can demonstrate that your return to that particular country was due to compelling reasons.

Back to: How Do I Get a Refugee Travel Document Asylee and Refugee Benefits Main Menu

Chapter 5 How Can I Become a Permanent Resident Based on Refugee or Asylee Status?

OVERVIEW

Refugees are required to apply for permanent residence one year after entering the United States. If the individual is a child or spouse of a refugee, and has an approved I-730, the person must apply for adjustment of status one year after admission to the United States as a refugee. If the person was in the United States when the I-730 petition was approved, the one year period starts at the time of the approval of the I-730. Asylees may apply for permanent residence one year after being granted asylum, but are not required to do so.

I am a Refugee. How Can I Become a Permanent Resident?

I am an Asylee. How Can I Become a Permanent Resident?

What are the initial eligibility requirements for a refugee/asylee applying for permanent residence?

How long do I have to be in refugee/asylee status before I can apply for permanent residence in the United States?

If I have been convicted of a crime or I am inadmissible to the United States am I still eligible to adjust status in the United States?

Are there any additional applications I can or should file concurrently with the I-485?

Do I have to file a separate I-485 for every member of my family if I am the principal refugee/asylee?

Am I required to submit a medical examination with my adjustment of status application?

Do my fingerprints have to be taken for my adjustment of status application?

Where do I go to have my fingerprints taken?

Am I required to attend an interview in order to adjust my status?

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I am a Refugee. How Can I Become a Permanent Resident?

You are required by law to apply for permanent residence one year after entry into the United States in refugee status. To apply for permanent residence, you will need to file Form I-485, Application to Register Permanent Residence or Adjust Status, with USCIS. You can download the form on our website, www.uscis.gov or you can call our forms request line at 1-800-870-3676. If you are the child or spouse of a refugee, and you have an approved I-730, you must apply for adjustment of status one year after admission to the United States as a refugee. If you were in the United States when the I-730 petition was approve, the one year period starts at the time the I-730 was approved.

I am an Asylee. How Can I Become a Permanent Resident?

While you are not required to apply for permanent residence, doing so may be in your best interests. You may apply for permanent residence one year after being granted asylum in the United States. To apply for permanent residence, you will need to file Form I-485, Application to Register Permanent Residence or Adjust Status, with USCIS. You can download the form on our website, www.uscis.gov or you can call our forms request line at 1-800-870-3676.

Note to Representative: More FAQs about becoming a Permanent Resident based on Refugee or Asylee status

What are the initial eligibility requirements for a refugee/asylee applying for permanent residence?

Note to Representative: Give this response to customers with asylum status –
If you are an asylee, you may apply for permanent residence 1 year after being granted asylum if you:

- Have been physically present in the United States for at least 1 year after being granted asylum;
- Continue to meet the definition of a refugee (or continue to be the spouse or child of such a refugee);
- Have not abandoned your refugee status;
- Are not firmly resettled in any foreign country; and
- Continue to be admissible to the United States (A waiver may be available to you if you are now inadmissible)

Note to Representative: Give this response to customers with refugee status –
If you are a refugee, you must apply for permanent residence 1 year after you are admitted to the United States as a refugee if you:

- Have been physically present in the United States for at least 1 year after being admitted as a refugee;
- Have not had your refugee admission terminated; and
- Have not already acquired permanent resident (green card) status

How long do I have to be in refugee/asylee status before I can apply for permanent residence in the United States?

You must be physically present in the United States in refugee/asylee status for a period of at least one year before you file for adjustment of status.

If I have been convicted of a crime or I am inadmissible to the United States am I still eligible to adjust status in the United States?

Note to Representative: Please transfer the call to Tier 2, UNLESS Tier 2 live assistance is unavailable.

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Are there any additional applications I can or should file concurrently with the I-485?

Yes, you should submit the following forms as part of the process of applying for permanent residence:

- Form G-325A, Biographical Information
- If you are a refugee, you will need to submit the Form I-693A, Vaccination Supplement to Medical Examination
- If you are an asylee, you will need to submit a completed Form I-693, Report of Medical Examination and Vaccination Record

Regardless of your status, you may also submit the following forms:

- Notice of Entry of Appearance as Attorney or Representative (G-28), if you are represented by an attorney;
- Application for Travel Document (I-131), if you need to travel outside the United States while your application is processed; or
- Application by Refugee for Waiver on Grounds of Excludability, if applicable (I-602)

Please carefully read the instructions before completing and submitting your application.

Do I have to file a separate I-485 for every member of my family if I am the principal refugee/asylee?

You should prepare a separate Form I-485 application packet for each member of your family who wishes to become a permanent resident. All family members' application packets should be mailed together in the same mailing envelope.

Am I required to submit a medical examination with my adjustment of status application?

If you are an asylee, you will need to submit a completed Form I-693. Form I-693 must be completed by a certified civil surgeon. A list of certified civil surgeons in your area may be found on our website.

Note to Representative: If the customer requests assistance locating a civil surgeon, please use the Civil Surgeon Locator on the USCIS website.

If you were admitted to the United States as a refugee and are now applying for adjustment of status one year following your first admission, you do not need to repeat the entire medical exam you had overseas, unless medical grounds of inadmissibility were found at the time of arrival in the United States or if your refugee status was granted to you through approval of a Form I-730, Refugee/Asylee Relative Petition.

USCIS will accept Form I-693 with only pages 1, 3, and 5 submitted for refugees or any other class of alien who was only required to complete the vaccination portion of the exam. Pages 2 and 4 should be left blank as they do not apply.

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Do my fingerprints have to be taken for my adjustment of status application?

You will usually need to have your fingerprint, photo, and signature taken after filing the Form I-485.

Where do I go to have my fingerprints taken?

Biometrics (such as fingerprints and photographs) are usually taken at the nearest USCIS Application Support Center (ASC). You will receive an appointment notice in the mail; please refer to the appointment notice for information about where and when you should go to have your biometrics taken.

Am I required to attend an interview in order to adjust my status?

According to regulations, an immigration officer will interview each applicant for adjustment of status; however, there are exceptions to this rule. Therefore, your local USCIS office will notify you whether or not an interview is necessary.

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Chapter 6 How Can I Help a Relative Become a Refugee or Asylee?

OVERVIEW

Refugees and asylees may apply for derivative benefits on behalf of a spouse or unmarried child under the age of 21 within two years of admission to the United States as a principal refugee or asylee. If the child or spouse is already in the United States, he or she may be eligible for settlement as a refugee or asylee, regardless of whether he or she is in the country legally or illegally. The relationship between the principal and his/her spouse/child must have existed when the principal was admitted as a refugee or granted asylum and must continue to exist when the principal files Form I-730 (Refugee/Asylee Relative Petition) and when the spouse or child is admitted to the United States or is granted asylee or refugee status.

Note to Representative: If the caller wants information about the Tsamcho Settlement Agreement, please see Volume 1, the Denied Cases Chapter.

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Unit 1 I am an Asylee and want to Help a Relative Become an Asylee

OVERVIEW

Asylees are able to help some relatives (husband/wife, or unmarried children under 21) enter the United States. To assist their relative(s), asylees may file Form I-730, Refugee/Asylee Relative Petition, with USCIS. In the petition, the primary asylee must demonstrate a familial relationship to any listed beneficiaries. The relationship between the primary asylee and any petitioned relatives must have existed at the time asylum was granted to the petitioner and must continue to exist when Form I-730 is filed. Form I-730 must be filed within two years of the original grant of asylum, unless a time extension for humanitarian reasons is granted.

General FAQs

FAQs regarding derivative status for a spouse

FAQs regarding derivative status for children

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General FAQs

As an asylee, for which family members may I petition to receive asylum status in the US?

Can I help other relatives get asylum?

What happens after I file the petition for my relative?

How long will it take USCIS to process my petition?

Where can I find additional information about Asylum?

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As an asylee, for which family members may I petition to receive asylum status in the US?

As an asylee, you may use a Form I-730, Refugee/Asylee Relative Petition, to petition for:

- Your spouse; and/or
- Your unmarried children under 21 years of age

Note to Representative: Select the appropriate link above to provide the customer with more information.

Can I help other relatives get asylum?

Form I-730, Refugee/Asylee Relative Petition limits eligibility to spouses, and unmarried children less than 21 years of age.

For additional information about other ways to help family members get asylum, please visit www.uscis.gov/howdoi/refugeesasylees.

What happens after I file the petition for my relative?

After you file your petition, we will mail you a receipt notice. If your petition is incomplete, we may reject it or ask you for more evidence, which will delay processing. Please send all required papers the first time to avoid delay.

We will notify you when we make a decision regarding your case.

- If your relative is inside the United States, then the service center will mail you a decision which will be the final action on your relative's petition.
- If your relative is outside the United States, in addition to a favorable decision on the petition your relative must be found travel eligible by the local USCIS International Field Office or U.S. Embassy or consulate. The process varies slightly depending on your relative's country of residence indicated on the I-730 petition.

Back to: Helping a Relative become a Refugee/Asylee Asylee and Refugee Benefits Main Menu

How long will it take USCIS to process my petition?

The time to process and approve or process and transfer your petition to an USCIS International Field Office depends on a number of factors. Once you file, we will send you a receipt that with instructions on how to check the status of your case and what you can expect to next receive from USCIS. In addition, you can check current processing times on our website at www.uscis.gov. These times reflect the domestic portion of the process and do not include the overseas interview and issuance of travel documents for beneficiaries abroad.

Please note that processing times for USCIS International Field Offices and U.S. Embassies or consulates are not currently available on uscis.gov. USCIS International Overseas Offices strive to complete its cases within six months of receipt.

Where can I find additional information about Asylum?

If you would like additional information about asylum in the United States, please visit: www.uscis.gov/asylum.

Back to: Helping a Relative become a Refugee/Asylee Asylee and Refugee Benefits Main Menu

FAQs regarding derivative status for a spouse

How Do I Apply to Get Derivative Refugee or Asylee Status for my spouse?

Where Do I file Form I-730?

If my application is approved, how is my spouse notified of the decision?

Is there a time limit on when I have to file the I-730?

If my spouse becomes a refugee or asylee as a derivative, can he/she file the I-730 later for another family member?

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How Do I Apply to Get Derivative Refugee or Asylee Status for my spouse?

If you want to help your spouse get derivative refugee or asylee status, you need to file Form I-730, Refugee/Asylee Relative Petition. You will need to include all supporting documents listed in the form instructions. Form I-730 is available on our website at www.uscis.gov. For additional information about the following-to-join program for beneficiaries residing abroad visit: http://travel.state.gov/content/visas/english/immigrate/join-refugees-and-asylees.html.

Where Do I file Form I-730?

For information on where to file, please see the instructions to the form at: www.uscis.gov/forms/i-730.

If my application is approved, how is my spouse notified of the decision?

If your spouse is outside of the United States, your spouse will receive a notice to complete processing at the local USCIS International Field Office or U.S. Embassy or consulate.

If your spouse is currently inside the United States, USCIS will directly mail an approval notice.

Is there a time limit on when I have to file the I-730?

Yes, you must file a Form I-730 petition for your spouse within two years of the date you were admitted to the U.S. as a refugee or within two years of the date you were granted asylum, unless a time extension for humanitarian reasons is granted.

If my spouse becomes a refugee or asylee as a derivative, can he/she file the I-730 later for another family member?

No, a spouse who receives derivative refugee or asylee status cannot file a Form I-730 petition on behalf of other family members.

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FAQs regarding derivative status for children

Can I apply for any of my children, regardless of how he or she became my child?

How Do I Apply to Get Derivative Refugee or Asylee Status for my child?

Where Do I file the Form I-730?

If my application is approved, how is my child notified of the decision?

Is there a time limit on when I have to file the I-730?

If my child becomes a refugee or asylee as a derivative, can he/she file the I-730 later for another family member?

If my child turns 21 years of age while the I-730 petition is pending, is my child still eligible for derivative refugee or asylee status?

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Can I apply for any of my children, regardless of how he or she became my child?

You may apply for derivative asylum or refugee status for your biological child as long as that child is unmarried and was under the age of 21 at the time you were admitted as a refugee or granted asylum.

You may apply for derivative refugee or asylee status for a child who was already conceived, but not yet born, on the day you were admitted as a refugee or granted asylum.

You may apply for derivative refugee or asylee status for a stepchild if the marriage between you and the child's parent took place before the child's 18th birthday.

You may apply for derivative refugee or asylee status for an adopted child if the adoption took place before the child's 16th birthday and the child has been in your legal custody for at least two years.

How Do I Apply to Get Derivative Refugee or Asylee Status for my child?

If you want to help your child get derivative refugee or asylee status, you need to file Form I-730, Refugee/Asylee Relative Petition. You will need to include all supporting documents listed in the form instructions. Form I-730 is available on our website at www.uscis.gov. For additional information about the following-to-join program for beneficiaries residing abroad visit: http://travel.state.gov/content/visas/english/immigrate/join-refugees-and-asylees.html.

Where Do I file the Form I-730?

Note to Representative: For instructions on how to file the forms, see the USCIS website at www.uscis.gov/i-730 and provide the client with information on the "Where to File" section

If my application is approved, how is my child notified of the decision?

If your child is outside of the United States, your child will receive a notice to complete processing at the local USCIS International Field Office or U.S. Embassy or consulate.

If your foreign national child is currently inside the United States, USCIS will directly mail an approval notice.

Is there a time limit on when I have to file the I-730?

Yes, you must file a Form I-730 petition for your child within two years of the date you were admitted to the U.S. as a refugee or within two years of the date you were granted asylee status unless a time extension for humanitarian reasons is granted.

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If my child becomes a refugee or asylee as a derivative, can he/she file the I-730 later for another family member?

No, a child who receives derivative refugee or asylee status cannot file a Form I-730 petition on behalf of other family members.

If my child turns 21 years of age while the I-730 petition is pending, is my child still eligible for derivative refugee or asylee status?

Yes, an unmarried child who turns 21 while the refugee or asylee relative petition is pending may derive status so long as the child was under 21 years of age on the date of filing the application with USCIS.

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Unit 2 I am a Refugee and want to Help a Relative Become a Refugee

OVERVIEW

As a refugee, you are eligible to help your husband, wife, or unmarried child under the age of 21 get refugee status in the United States.
To help your relative get refugee status in the United States based upon your own status, you start the process by filing Form I-730, Refugee/Asylee Relative Petition, with USCIS on your relative's behalf. In your petition, you will need to prove your family relationship to the beneficiary.

Form I-730 must be filed within two years from the date you entered the United States as a refugee unless a time extension for humanitarian reasons is granted.

What relatives may I petition for?

Can I help other relatives get refugee status?

What happens after I file for my relative?

How long will it take USCIS to process my petition?

Where can I find additional information about refugee status?

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What relatives may I petition for?

As a refugee, you may use a Form I-730, Refugee/Asylee Relative Petition, to petition for:

- Your husband or wife; and/or
- Your unmarried children under 21 years of age

Note to Representative: Select the appropriate link above to provide the customer with more information.

Can I help other relatives get refugee status?

Form I-730, Refugee/Asylee Relative Petition limits eligibility to only spouses, and unmarried children less than 21 years of age.

For additional information about other ways to help family members get refugee status, visit http://www.state.gov/j/prm/releases/factsheets/2013/210135.htm.

What happens after I file for my relative?

After you file your petition, we will mail you a receipt notice. If your petition is incomplete, we may reject it or ask you for more evidence, which will delay processing. Please send all required papers the first time to avoid delay.

We will notify you when we make a decision regarding your case.

- If your relative is inside the United States, then the service center will mail you a decision which will be the final action on your relative's petition.
- If your relative is outside the United States, in addition to a favorable decision on the petition your relative must be found travel eligible by the local USCIS International Field Office or U.S. Embassy or consulate. The process varies slightly depending on your relative's country of residence indicated on the I-730 petition.

How long will it take USCIS to process my petition?

The time to process and approve or process and transfer your petition to an USCIS International Field Office depends on a number of factors. Once you file, we will send you a receipt that will instruct you as to how to check the status of your case and what you can expect to next receive from USCIS. In addition, you can check current processing times on our website at www.uscis.gov. These times reflect the domestic portion of the process and do not include the overseas interview and issuance of travel documents for beneficiaries abroad.

Please note that processing times for USCIS International Field Offices and U.S. Embassies or consulates are not currently available on uscis.gov. USCIS International Overseas Offices strive to complete its cases within six months of receipt.

Where can I find additional information about refugee status?

If you would like additional information about refugee status in the United States, please visit: www.uscis.gov/humanitarian/refugees-asylum/refugees

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Chapter 7 How Do I Change My Address with USCIS, The Immigration Judge and The Board of Immigration Appeals?

OVERVIEW

All non-U.S. citizens inside the United States are required by law to notify USCIS of any change of address within 10 days of moving. Individuals who need to notify USCIS of an address change should file a Form AR-11, Alien's Change of Address Card. It is particularly important for individuals with pending cases to inform USCIS of any new addresses so that notices and documents are sent to the correct location. The Form AR-11 may be mailed in, or it can be completed electronically on www.uscis.gov.

Note to Representative: Provide the information below which is appropriate to the customer's situation: whether he/she has refugee/asylee status, or conditional status either granted by the BIA or an Immigration Judge.

I am a refugee or asylee. How do I change my address with USCIS?

I was granted "conditional asylum status" by an Immigration Judge. What do I need to do to change my address?

I was granted "conditional asylum status" by the Board of Immigration Appeals. What do I need to do to change my address?

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I am a refugee or asylee. How do I change my address with USCIS?

You will need to notify USCIS of your address change by filing a Form AR-11, Alien's Change of Address Card. The Form AR-11 may be mailed in, or it can be completed electronically on www.uscis.gov.

If you have filed Form I-730 which is currently being processed by U.S. International Field Office or U.S. Embassy or consulate, please notify the U.S. International Field Office or U.S. Embassy processing your case directly with any change in your or your beneficiary's contact information.

Contact information:

- Type "International Offices: in the Search function on www.uscis.gov to obtain contact information for the 25 USCIS offices overseas.
- U.S. Embassies: Embassy-specific contact information is available at www.travel.state.gov, under How to Contact Us. Links to specific Embassy and Consulate websites may be found at www.usembassy.gov.

I was granted "conditional asylum status" by an Immigration Judge. What do I need to do to change my address?

If your case was granted by an Immigration Judge, you will need to submit a Form EOIR-33/IC, Change of Address Form, to the Immigration Court that last had jurisdiction over your case. You must submit the Form EOIR-33/IC within 5 days of any address change. You can download the form on the internet at the following address: www.usdoj.gov/eoir/formslist.htm. When you submit the form, you must also send a copy of the Immigration Judge's conditional grant of asylum.

In addition to completing the EOIR-33/IC, you will also need to submit a Form AR-11, Alien's Change of Address Card, to USCIS within 10 days of any change of address. You are required by law to notify us of your change of address within 10 days of moving to your new address. The Form AR-11 can now be completed electronically on our website at: www.uscis.gov.

I was granted "conditional asylum status" by the Board of Immigration Appeals. What do I need to do to change my address?

If your case was granted by the Board of Immigration Appeals (BIA), you will need to submit a Form EOIR-33/BIA, Change of Address Form. You must submit the form within 5 days of any address change. You can download the form on the internet at the following address: http://www.usdoj.gov/eoir/formslist.htm. When you submit the form, you must also send a copy of the BIA's conditional grant of asylum

In addition to completing the EOIR-33/IC, you will also need to submit a Form AR-11, Alien's Change of Address Card, to USCIS within 10 days of any change of address. You are required by law to notify us of your change of address within 10 days of moving to your new address. The Form AR-11 can now be completed electronically on our website at: www.uscis.gov.

Back to: Changing Addresses Asylee and Refugee Benefits Main Menu

Chapter 8 What Assistance and Services Are Available for Refugees and Asylees?

OVERVIEW

Individuals who have obtained refugee or asylum status in the United States may be eligible to receive assistance and services through the Office of Refugee Resettlement (ORR). ORR funds and administers programs to help refugees, asylees and other special populations restart their lives in the United States. Programs include cash and medical assistance, employment preparation, job placement and English-language training.

If you are a refugee or asylee, you may be eligible to receive assistance and services through the Office of Refugee Resettlement (ORR). ORR helps refugees and asylees start their lives in America and helps them integrate into American society. To find out what programs you are eligible for and where to go for direct assistance, you will need to contact the Office of Refugee Resettlement at 1-800-354-0365.

Additionally, you may find helpful information at the ORR website: www.acf.hhs.gov/programs/orr/

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CSR Transfer Statement:

Due to a high volume of calls, we would be happy to take some information from you and refer your inquiry to a USCIS officer to research and respond.

Note to Representative:

- Go to SRMT and take a service request.
  - The Service Request Type will be based on the Transfer Reason
  - In the comments block, state the specific information that the customer is seeking and a brief reason why he or she needed the call escalated.
  - Ensure the caller is within the "acceptable caller type" before taking the service request.
  - Complete the service request and use the routing override capability to select **WKD** as the office for the service request to route to Tier 2.
  - Provide the customer with the referral ID number
  - Advise the customer that a USCIS officer will research their inquiry and contact them within 3 to 5 business days.

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Acceptable Callers

In order to ensure customer privacy and security as well as data integrity, we may only take information regarding cases from the following individuals:

- The applicant/petitioner (The person who signed the application or petition in question)
- Authorized Officer or Employee of Petitioning Company or Organization
- A translator (Only if the applicant/petitioner is present)
- An attorney who claims to have a G-28 on file for the petitioner/applicant OR a paralegal from that attorney's office/firm (ask if the attorney has a G-28 on file).
- A Community-Based Organization (CBO) who is representing the applicant/petitioner and who has a G-28 on file (ask if the CBO has a G-28 on file).
- A parent of an applicant/petitioner who is under age 18.
- A legal guardian of an applicant or petitioner.
- An adult caregiver of the applicant or petitioner (Such as a nurse caring for an elderly or disabled person – if the applicant or petitioner is physically able to speak on the phone, his/her presence should at least be confirmed. If physically unable to speak on the phone , continue as if the caregiver were the applicant/petitioner)

Note to Representative: Confirm that the caller meets at least one of the above listed requirements before taking a Service Request. If the caller is not within one of the acceptable caller types listed above, we will not be able to take a service request from the caller.

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WHAT INFORMATION ARE YOU SEEKING? (PLEASE CHOOSE ONE BELOW)

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Chapter 1 General Information about Filing an Application to Adjust Status to Permanent Resident

OVERVIEW

Every year hundreds of thousands of people from all over the world seek to make the United States their home on a permanent basis. The vast majority of these individuals apply to become permanent residents while already living in the United States.

There are several paths that one can take to obtain permanent residence in the United States. One path to permanent residence is based on a petition filed by a family member to adjust status. The adjustment of status process is the way that someone who is currently living in the United States acquires permanent residence in the U.S.

Back to Filing for Permanent Residence Based on a Family Petition Main Menu

Unit 1 Definitions for Applying for Permanent Resident Status through a U.S. Citizen Relative

- Who is a beneficiary?
- Who is a principal beneficiary?
- Who is a derivative beneficiary?
- Who is an immediate relative?
- What is the family sponsored preference category?
- How are relatives classified in the family sponsored preference category?

Back to: General Information Filing for Permanent Residence Based on a Family Petition Main Menu

Who is a beneficiary?

A beneficiary is an alien who has a visa petition filed on his or her behalf.

Who is a principal beneficiary?

A principal beneficiary is the alien on whose behalf a visa petition is filed.

Who is a derivative beneficiary?

A derivative beneficiary is an alien who cannot be directly petitioned for, but who can follow-to-join or accompany the principal beneficiary based on a spousal or parent-child relationship.

Who is an immediate relative?

An immediate relative is generally a relative of a United States citizen who is not subject to numerical limitations placed on immigrant visas. The following individuals are considered immediate relatives:

- Spouses of a United States citizen;
- Children (unmarried and under 21 years of age) of a United States citizen; and
- Parents of a United States citizen if the United States citizen is at least 21 years of age

Note to Representative: There are other individuals who meet the definition of an immediate relative. However, for the purposes of this section, we will only discuss those that have the Petition for Alien Relative (I-130) or the Petition for Alien Fiancé(e) (I-129F) filed on their behalf.

Back to: Definitions General Information Filing for Permanent Residence Based on a Family Petition Main Menu

What is the family sponsored preference category?

The family sponsored preference category is the immigrant visa category for the relatives of both United States citizens and lawful permanent residents, who are subject to numerical limitations placed upon immigrant visas by immigration law.

How are relatives classified in the family sponsored preference category?

The family sponsored preference category is divided into four preferences or groups of family sponsored immigrants.

The relatives of United States citizens can be classified in first, third or fourth preference and are composed of the following relatives:

- **First:** Unmarried Sons and Daughters (over 21 years of age) of a United States citizen
- **Third**: Married Sons and Daughters of a United States citizen
- **Fourth**: Brothers and Sisters of a United States citizen, if the United States citizen is at least 21 years old

The relatives of permanent residents of the United States are only classified in the second preference and are composed of the following relatives:

- **Second**: Spouses and Children, and Unmarried Sons and Daughters (over 21 years of age) of Permanent Residents

Back to: Definitions General Information Filing for Permanent Residence Based on a Family Petition Main Menu

Unit 2 Eligibility Requirements for Applying for Permanent Resident Status through a U.S. Citizen Relative

General FAQs

- Who is eligible to apply for adjustment of status in the United States based on an approved family-based petition?
- If I have been convicted of a crime in the United States, am I eligible to adjust status in the United States?
- I am an immediate relative of a U.S. citizen. Do I have to wait for a visa to become available to apply for adjustment of status?

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Who is eligible to apply for adjustment of status in the United States based on an approved family-based petition?

You are eligible to apply for adjustment of status in the United States if:

- You are physically present in the United States;
- You have been inspected by a United States Immigration Officer and were either admitted or paroled into the United States;
- An immigrant visa is immediately available to you at the time you file the I-485;
- You are not inadmissible under any grounds in INA § 212; and
- You are not in one of the ineligible categories.

AND:

- If you entered the United States based on admission as the fiancé(e) of a U.S. citizen (K-1 visa), you may apply to adjust status if you married the petitioning U.S. citizen within 90 days of your entry.
- If you entered the United States based on admission as the child of a K-1 fiancé(e) (K-2 visa), you may apply to adjust status based on your parent's adjustment application.

If I have been convicted of a crime in the United States, am I eligible to adjust status in the United States?

Note to Representative: Transfer call to Tier 2.

I am an immediate relative of a U.S. citizen. Do I have to wait for a visa to become available to apply for adjustment of status?

No, an immediate relative of a United States citizen is not subject to numerical limitations on immigrant visas and does not have to wait for a visa to become available before applying for adjustment of status.

- If your U.S. citizen relative has not filed a Petition for Alien Relative (Form I-130) yet and you entered the United States legally, you may be able to file the I-130 and an Application to Adjust Status (Form I-485) concurrently (together) if you are the spouse, parent, or unmarried child under age 21 of a U.S. citizen.
- If your U.S. citizen relative has filed a Petition for Alien Relative (Form I-130), it has already been approved, and you believe you are eligible for adjustment of status in the U.S., you may file an Application to Adjust Status (Form I-485) with a copy of the Notice of Action (Form I-797) showing the I-130 was approved.
- If your U.S. citizen relative has filed a Petition for Alien Relative (Form I-130) and it is still pending with USCIS, you may file an Application to Adjust Status (Form I-485). When you submit your completed I-485 and the fee, include a copy of the Notice of Action (Form I-797) showing the I-130 has been received at the Service Center.
- If your U.S. citizen relative has filed a Petition for Alien Fiancé (e) (Form I-129F), your petition must first be approved by USCIS AND a visa must be issued by the Department of State at a U.S embassy or consular office AND you must have married the U.S. citizen petitioner within 90 days after your entry before you or your child may file an Application to Adjust Status (Form I-485).

Note to Representative: If the beneficiary is abroad, please refer to Volume 4.2.

Back to: Eligibility Requirement General Information Filing for Permanent Residence Based on a Family Petition Main Menu

Unit 3 Adjustment of Status Filing Process Questions for Permanent Resident Status through a U.S. Citizen Relative

General FAQs

- What application must I file to adjust my status in the United States?
- What must I file with the I-485?
- Where is the I-485 package filed?
- What is the filing fee for the I-485 package?
- Do I have to file a separate I-485 for every member of my family if I am the principal beneficiary of an approved Alien Petition?
- My family members, who are derivative beneficiaries on my I-130, reside abroad. How will the U.S. Embassy or Consulate know to process their immigrant visas?
- Am I required to submit a medical examination with my adjustment of status application? And my family?
- What effect does the death of the petitioner or principal beneficiary have on my ability to adjust while my Petition for Alien Relative or my Application to Adjust Status is pending?
- If my child will be 21 and our adjustment case is still pending at that time, will my child still be able to adjust status in the United States?

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What application must I file to adjust my status in the United States?

You must file the Application to Register Permanent Residence or Adjust Status (Form I-485).

What must I file with the I-485?

You MUST submit the following with the I-485:

- Biographic Information (Form G-325A);
- Affidavit of Support (Form I-864);
- Copy of your birth certificate, with English translation, or other record of your birth as described at 8 CFR § 103.2 if your birth certificate is unavailable;
- Copy of your passport bearing a stamp of proof of admission or your Form I-94 arrival-departure record or other evidence of your status (you can obtain a copy of your I-94 at www.cbp.gov/I94);
- Medical Examination of Aliens Seeking Adjustment of Status (Form I-693). Note: If you are a K non-immigrant who completed a medical examination within the past year as required for the K non-immigrant visa, you may only be required to submit a vaccination supplement, not the entire medical report. Please carefully follow the instructions provided for the form;
- Two passport size photographs;
- If you have ever been arrested or convicted, submit police and court records;

AND

- If your adjustment of status application is based on a relative visa petition (Form I-130):
  - Either your original I-130, Petition for Alien Relative (if you are filing concurrently), or a copy of your I-797, Notice of Action (if the petition was already approved), or a copy of your receipt notice if your relative has already filed the Form I-130 and it is still pending OR
- If your adjustment of status application is based on admission as the K-1 fiancé(e) (Form I-129F) of a U.S. citizen and subsequent marriage to that citizen:
  - A copy of the fiancé(e) petition approval notice and a copy of your marriage certificate.

OR

- If your adjustment of status application is based on admission as a K-2 dependent:
- File your application with the application of the K-1 fiancé(e) parent; attach a copy of your birth certificate.

In addition, you may also submit the following forms:

- Notice of Entry of Appearance as Attorney or Representative (Form G-28);
- Application for Employment Authorization (Form I-765) if you want to work while your adjustment application is processed;
- Application for Travel Document (Form I-131) if you need to travel outside the United States while your adjustment application is processed;
- Supplement A (Supplement A to Form I-485) and penalty fee, if applicable; and
- Application for Waiver of Grounds of Inadmissibility (Form I-601), if applicable.

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Where is the I-485 package filed?

Please see the instructions for Form I-485 on our website to determine where you should file your completed Form I-485.

What is the filing fee for the I-485 package?

Please see the instructions for Form I-485 on our website to determine the correct fee for Form I-485.

Do I have to file a separate I-485 for every member of my family if I am the principal beneficiary of an approved Alien Petition?

Yes, you must file a separate Form I-485 application for each member of the family that is applying for adjustment of status in the United States.

My family members, who are derivative beneficiaries on my I-130, reside abroad. How will the U.S. Embassy or Consulate know to process their immigrant visas?

At the time the Form I-130 was filed on your behalf, if your U.S. citizen relative indicated that your spouse or child is residing abroad and you are currently adjusting status in the United States, USCIS will send the approval notice of your Form I-130 to the National Visa Center. Subsequently, the National Visa Center will transmit the approval notice information to the U.S. Embassy or U.S. Consulate in the country where your spouse or child is residing so his or her immigrant visa may be processed.

If the Form I-130 filed on your behalf does not indicate that your spouse or child is residing abroad, you may file Application for Action on an Approved Application or Petition (Form I-824) in order for USCIS to notify the National Visa Center and the U.S. Consulate or U.S. Embassy so that his or her immigrant visa may be processed.

Am I required to submit a medical examination with my adjustment of status application? And my family?

Yes, you and each family member are required to submit Report of Medical Examination and Vaccination Record (Form I-693) with each of your individual adjustment of status applications. If you entered the United States in any of the following nonimmigrant classifications and had a medical examination as required for the nonimmigrant visa within the past year, you are only required to submit a completed vaccination record:

- K-1, Fiancé(e) of a United States Citizen
- K-2, Minor child of K-1
- K-3, Spouse of a U.S. Citizen
- K-4, Child of K-3

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What effect does the death of the petitioner or principal beneficiary have on my ability to adjust while my Petition for Alien Relative or my Application to Adjust Status is pending?

If the petitioner or principal beneficiary of an immigrant visa petition dies, current law permits the approval – in certain circumstances – of a visa petition or adjustment application and related applications. In order for this to apply, you must meet the following criteria:

- You resided in the United States when the petitioner or principal beneficiary died;
- You continue to reside in the United States on the date of the decision on the pending visa petition or adjustment application; and
- You are one of the following:
  - The beneficiary of a pending or approved immediate relative visa petition; or
  - The beneficiary of a pending or approved preference category family based visa petition, including both the principal beneficiary and any derivative beneficiaries

You must otherwise be eligible for the immigrant visa classification sought or for adjustment of status.

This information only applies to petitions or applications adjudicated on or after October 28, 2009, even if the petitioner or principal beneficiary died before that date. If your visa petition or adjustment application was denied before October 28, 2009, solely because of the petitioner's or principal beneficiary's death, you may file a motion to reopen with the appropriate filing fee.

If my child will be 21 and our adjustment case is still pending at that time, will my child still be able to adjust status in the United States?

- If your child was included on an approved Form I-130 filed on your behalf by your spouse, then a separate petition will be required. However, the original priority date will be retained if the subsequent petition is filed by the same petitioner. The retention of the priority date will be accorded only to a son or daughter previously eligible as a derivative beneficiary under a second preference spousal petition.

- If your child was included on an approved Form I-129F filed on your behalf by your fiancé(e) whom you married within 90 days of your entry as a K-1, then a separate petition will not be required.

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Unit 4 Fingerprinting and Adjustment of Status Interviews

General FAQs

- Do my fingerprints have to be taken for the adjustment of status application?
- Do my fingerprints have to clear before I become a permanent resident?
- Does my child who is under 14 years old have to take fingerprints or have an interview?
- Where do I go to have my fingerprints taken?
- Am I required to attend an interview in order to adjust my status?
- What kind of documentary evidence is required at the time of interview?

Back to: General Information Filing for Permanent Residence Based on a Family Petition Main Menu

Do my fingerprints have to be taken for the adjustment of status application?

If you are between the ages of 14 and 79, you must be fingerprinted.

Do my fingerprints have to clear before I become a permanent resident?

Yes. Fingerprints must clear and be verified by an immigration officer before you can become a permanent resident.

Does my child who is under 14 years old have to take fingerprints or have an interview?

Children under 14 are not required to have their fingerprints taken and USCIS may waive any interview requirements.

Where do I go to have my fingerprints taken?

USCIS has a vast array of fixed and mobile fingerprint sites. It is possible for USCIS to schedule you to provide fingerprints at an Application Support Center (ASC), at a site co-located in an existing USCIS office, or along an established mobile route. After you file the I-485, USCIS will notify you in writing of when and where you must go to be fingerprinted.

Am I required to attend an interview in order to adjust my status?

According to immigration regulations, an immigration officer shall interview each applicant for adjustment of status. However, interviews may be waived in certain cases. Therefore, USCIS will notify you whether or not an interview is necessary.

What kind of documentary evidence is required at the time of interview?

You will receive a notice telling you what to bring with you to the interview.

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Unit 5 Benefits Available While the Adjustment of Status Application is Pending

FAQs about the Combined EAD-Advance Parole card

General FAQs

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FAQs about the Combined EAD-Advance Parole card

- What is the Combined Employment Authorization and Advance Parole Card?
- How do I apply for the combined EAD-Advance Parole card?
- How long is the combined EAD-Advance Parole card valid?
- Do I have to request a combined EAD-Advance Parole card when I apply for adjustment of status?
- If I receive a combined card, does that guarantee my re-entry into the U.S. if I travel?
- How much does the combined card cost?
- Will USCIS still issue separate EAD and travel authorization documents?
- What if I already have an EAD or a travel document?
- If I lose or damage my combined card, how do I get another one?

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What is the Combined Employment Authorization and Advance Parole Card?

Effective February 14, 2011 USCIS will begin issuing employment and travel authorization on a single card for applicants filing Form I-485, Application to Register Permanent Residence or Adjust Status. The card is identical to the current Employment Authorization Document (EAD) but will include text that reads, "Serves as I-512 Advance Parole." The new card will serve as both employment authorization and a travel document with this endorsement. Employers may accept a combined EAD with Advance Parole endorsement as a List A document for completion of Form I-9, Employment Eligibility Verification.

How do I apply for the combined EAD-Advance Parole card?

You may receive this card when you file Form I-765, Application for Employment Authorization, and Form I-131, Application for Travel Document, concurrently with or after filing Form I-485, Application to Register Permanent Residence or Adjust Status. You must file the Form I-765 and I-131 at the same time in order to receive a combined EAD-Advance Parole card. Please ensure that you enter your name and address exactly the same on both forms.

How long is the combined EAD-Advance Parole card valid?

The combined travel and employment authorization card will be valid for one year, if the applicant's immigrant visa is currently available. If the immigrant visa is not currently available, then the combined card will be valid for two years.

Do I have to request a combined EAD-Advance Parole card when I apply for adjustment of status?

No. If you submit Form I-765 and I-131 concurrently with your Form I-485, and you are granted both interim benefits, you will receive a combined EAD-Advance Parole card. You may also request a combined card while your adjustment of status application is pending, if you did not request it at the time you filed your Form I-485. When you make the request, you must submit Form I-765, Form I-131, and the Notice of Action (Form I-797C) for your Form I-485 at the same time. Form I-797C will show that you filed your Form I-485 on or after July 30, 2007. If you filed Form I-485 before July 30, 2007, you may also request a combined card; however, Forms I-765 and I-131 must be filed with the correct filing fees.

If I receive a combined card, does that guarantee my re-entry into the U.S. if I travel?

As with the current advance parole document, obtaining a combined card allows an adjustment applicant to travel abroad and return to the U.S. without abandoning the pending adjustment of status application. Upon returning to the U.S., you must present the card to request parole through the port-of-entry. The parole decision is made at the port-of-entry. If you have been unlawfully present in the U.S., and subsequently depart and seek re-entry through a grant of parole, you may be inadmissible and ineligible to adjust your status.

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How much does the combined card cost?

If you submitted an application for adjustment of status on or after July 30, 2007, you will pay only one fee to file Form I-485, Form I-765, and Form I-131. The fee for Form I-485 is $1,070, and there is no separate fee for Forms I-765 and I-131 associated with a Form I-485. For those cases that were filed under the old fee structure, the costs for the combined card will equal the combined costs of filing Form I-765 and I-131, which is a total of $740.

Will USCIS still issue separate EAD and travel authorization documents?

Yes. USCIS will continue to issue separate EAD and Advance Parole documents for many situations. For example, you will receive an EAD without permission to travel if you do not request advance parole or if your Form I-765 is approved but your Form I-131 is denied.

What if I already have an EAD or a travel document?

If your travel document and EAD card have different expiration dates, it may not benefit you to apply for a combined card, unless both documents are about to expire or the EAD is about to expire and the Advance Parole document is for a single entry only. If you decide to apply for a combined card by filing Forms I-765 and I-131 simultaneously, do not apply more than 120 days before your current EAD expires.

If I lose or damage my combined card, how do I get another one?

You must file Forms I-765 and I-131, concurrently, with the appropriate fees. Although applicants who file under the current fee structure obtain their first card at no cost, they are required to pay the current fees for any card that is lost or damaged.

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General FAQs

- Why does my new EAD look different than my prior one?
- What category should I place in Question 16 on the employment authorization application?
- If I have a pending application for adjustment of status, do I need advance parole to reenter the U.S.?
- How do I apply for advance parole?
- I have been out of status for more than six months, or I entered the U.S. without inspection. Should I travel outside the U.S. even with an advance parole?
- I am leaving the U.S in 48 hours. Can I request that my application for advance parole be expedited?
- I will be outside of United States when my advance parole expires. Can I apply for a new advance parole prior to expiration of my current advance parole?
- I am in removal proceedings. Can I apply for an advance parole with USCIS?

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Why does my new EAD look different than my prior one?

USCIS has enhanced the EAD with new security features to reduce fraud. This is part of USCIS's ongoing efforts to improve the integrity of the immigration process. USCIS will replace EADs already in circulation with the new security enhanced EADs as individuals apply for the renewal or replacement of their current EAD.

What category should I place in Question 16 on the employment authorization application?

In most cases, when filing as part of the application for permanent resident status, you would put (c)(9) in the appropriate brackets for question #16 on the Form I-765 employment authorization application.

If I have a pending application for adjustment of status, do I need advance parole to reenter the U.S.?

Generally speaking, if you have a pending adjustment of status case, you will need an advance parole to reenter the United States after travel abroad. Otherwise, your adjustment of status case can be denied based on abandonment.

Please note: If you are in lawful H-1, H-4, L-1, L-2, K-3, K-4, or V nonimmigrant status, you are not required to obtain an advance parole, and your application for permanent resident status will not be considered as having been abandoned if you depart.

Note to Representative: For additional information about traveling under one of the nonimmigrant categories noted above, please refer to that specific status within Volume 4.4.1, *Nonimmigrant Services*.

How do I apply for advance parole?

In order to apply for advance parole, you should file the Application for Travel Document (Form I-131) according to the instructions on the Form I-131.

I have been out of status for more than six months, or I entered the U.S. without inspection. Should I travel outside the U.S. even with an advance parole?

Obtaining advance parole does not relieve you of inadmissibility under INA § 212(a)(9)(B)(i). If you have been unlawfully present in the U.S., it may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Executive Office for Immigration Review's (EOIR) Board of Immigration Appeals to determine whether your departure would make you inadmissible and potentially ineligible for adjustment of status.

Back to: Benefits General Information Filing for Permanent Residence Based on a Family Petition Main Menu

I am leaving the U.S in 48 hours. Can I request that my application for advance parole be expedited?

You may contact the local USCIS office that has jurisdiction over your application by making an appointment through info pass, and you will be assisted accordingly.

I will be outside of United States when my advance parole expires. Can I apply for a new advance parole prior to expiration of my current advance parole?

Yes, you may apply, but you will be issued a single entry I-512 for parole into the United States.

I am in removal proceedings. Can I apply for an advance parole with USCIS?

No, you may not apply with USCIS. USCIS does not issue an advance parole document to an applicant if the applicant is in exclusion, deportation, removal or recession proceedings.

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Chapter 2 You are the relative of a U.S. citizen and would like to adjust your status

Several paths can lead an individual to become a permanent resident of United States while inside the U.S. In order to help you determine if any of these paths can help you become a permanent resident, I must ask you a few questions.

This preliminary determination is only a tool to help you decide whether you should apply for the benefit you seek and should by no means be interpreted as a determination that you are eligible for permanent residence.

The first step we must take to determine if you may be able to file for permanent residence is to determine if any of the following describes your situation.

- You are the spouse of a U.S. citizen, unmarried child under the age of 21 of a U.S. citizen, or a parent of a U.S. citizen who is at least 21 years of age

- You are the unmarried son or daughter over the age of 21 of a U.S. citizen, the married son or daughter of a U.S. citizen, or the sibling of a U.S. citizen who is at least 21 years of age

The law limits eligibility to the spouse, child, parent, or sibling or a U.S. citizen. We cannot approve a relative petition filed by a U.S. citizen on behalf of any other relatives.

Back to: Filing for Permanent Residence Based on a Family Petition Main Menu

Have you ever been deemed to be inadmissible (not eligible to enter or remain in the U.S.) or previously been found ineligible to become a permanent resident of the United States?

Yes

No

Back to: Relative of USC Filing for Permanent Residence Based on a Family Petition Main Menu

Were you lawfully admitted into the United States by an officer of the United States government? (Inspected, then admitted or paroled)

Yes

No

Back to: Relative of USC Filing for Permanent Residence Based on a Family Petition Main Menu

Did your U.S. citizen relative file Form I-130, Petition for Alien Relative, on your behalf?

Yes

No

Back to: Relative of USC Filing for Permanent Residence Based on a Family Petition Main Menu

It appears you may be ineligible to apply for permanent residence in the United States. An approved or pending Form I-130, *Petition for Alien Relative*, does not cure inadmissibility or ineligibility of a foreign national to become a permanent resident of the U.S.

You will need to receive a waiver of inadmissibility. You must apply for the waiver. Even if a specific waiver exists for your situation, there is no guarantee that the waiver will be granted. Some grounds of inadmissibility do not have a waiver, resulting in the permanent inadmissibility of an applicant to the U.S.

If a waiver does exist for your particular situation, to apply for the waiver:

You would file **Form I-601**, *Application for Waiver of Ground of Inadmissibility*, with USCIS for grounds of inadmissibility relating to criminal grounds, medical conditions, unlawful presence, immigration fraud or willful misrepresentation, etc.

You would file **Form I-192**, *Application for Advance Permission to Enter as a Non-immigrant*, with USCIS for all grounds of inadmissibility instead of Form I-601 if you are applying for permission to temporarily enter the U.S. as a nonimmigrant.

You would file **Form I-212**, *Application for Permission to Reapply for Admission into the U.S. after Deportation or Removal*, with USCIS if you have been ordered removed or deported by an immigration judge.

If you have been removed or deported, besides filing Form I-212, you may also need to file Form I-601 to apply for a waiver of the underlying ground(s) of inadmissibility for which you were removed or deported, as well as inadmissibility for unlawful presence.

USCIS is prohibited from providing legal advice. You may wish to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Executive Office for Immigration Review's (EOIR) Board of Immigration Appeals.

Note to Representative: If the customer has more questions about applying for a waiver, please go to Volume 6, Inadmissibility and Waivers.

Back to: Relative of USC Filing for Permanent Residence Based on a Family Petition Main Menu

It appears that you are ineligible to apply for permanent residence at this time because you were not admitted/inspected/parole into the U.S. and you do not have a pending immigrant visa petition. However, your U.S. citizen relative can still file an immigrant visa petition (Form I-130) on your behalf to start you on the path to permanent residence.

If the I-130 is approved, you may still be ineligible to adjust status in the United States and must travel abroad to obtain an immigrant visa. If you accrued more than 180 days of unlawful presence while in the United States, you must obtain a waiver of inadmissibility before you can return to the U.S. The provisional unlawful presence waiver process allows certain relatives of U.S. citizen who only need a waiver of inadmissibility for unlawful presence to apply for that waiver in the United States before they depart for their immigrant visa interview. You can apply for the provisional unlawful presence waiver using Form I-601A. To file Form I-601A, you must have an approved immigrant visa petition (Form I-130) classifying you as an immediate relative of a U.S. citizen and you must have already paid the Department of State immigrant visa processing fee.

The conclusion reached is based on the information you provided and may not take certain factors into consideration such as arrests, convictions, deportations, removals, or inadmissibility.

USCIS is prohibited from providing legal advice. You may wish to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Executive Office for Immigration Review's (EOIR) Board of Immigration Appeals.

For more information about immigration law and regulations, please see our website at www.uscis.gov.

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It appears you may be eligible to apply for permanent residence in the United States.

If you have not done so already, your U.S. citizen relative will have to file Form I-130 for you and you can concurrently file Form I-485.

If your U.S. relative already filed Form I-130 for you, you will need to file Form I-485 to adjust your status.

Depending on your situation, there might be other forms that you may need to file.

The conclusion reached is based on the information you provided and may not take certain factors into consideration such as arrests, convictions, deportations, removals, or inadmissibility.

USCIS is prohibited from providing legal advice. You may wish to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Executive Office for Immigration Review's (EOIR) Board of Immigration Appeals.

For more information about immigration law and regulations, please see our website at www.uscis.gov.

Information about how to apply for permanent resident status

Back to: Relative of USC Filing for Permanent Residence Based on a Family Petition Main Menu

Did your U.S. citizen relative file Form I-130, Petition for Alien Relative, on your behalf?

Yes

No

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In most immigrant categories, the law limits how many people can immigrate each year. Often the demand to immigrate is greater than the limit allowed per year.

Priority dates are numerical limitations (preferences) assigned to eligible applicants seeking to immigrate to the United States. This is solely due to the maximum number of visas issued per fiscal year (October 1 through September 30) that are divided into family sponsored, employment based, and diversity immigrant visas.

The Department of State (DOS) issues a visa bulletin on a monthly basis. In the visa bulletin, if a date is shown for any category, this indicates that the category is oversubscribed. The cut-off date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. Visas are available only to applicants who have a priority date earlier than the cut-off date.

Beginning with the October 2015 visa bulletin, the "Application Final Action Dates" chart is used to indicate what priority dates are current for the purpose of issuing immigrant visas. This chart also indicates when individuals may file their adjustment of status applications. However, if USCIS determines that there are more immigrant visas available for the fiscal year than there are known applicants for such visas, the "Dates for Filing Visa Applications" chart may be used to determine when to file an adjustment of status application with USCIS. This will be indicated at www.uscis.gov/visabulletininfo.

The "Dates for Filing Visa Applications" chart indicates when the DOS National Visa Center should contact applicants outside the United States (or their attorneys of record or agents) to begin collecting applications, fees and supporting documents for pending immigrant visa cases overseas.

Your priority date is the date the Form I-130 petition is properly filed on your behalf.

In the bulletin, if "C" is shown in a category, this means immigrant visas are immediately available for all qualified applicants in that category.

In the bulletin, "U" means unavailable. This means no immigrant visas are available.

Note to Representative: Check the webpage: www.uscis.gov/visabulletininfo. Based upon the information provided by USCIS, select the appropriate link below:

According to the Visa Bulletin posted by USCIS, the immigrant may currently file an adjustment of status application.

According to the Visa Bulletin posted by USCIS, the immigrant may **NOT** currently file an adjustment of status application

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Have you ever been deemed to be inadmissible (not eligible to enter or remain in the U.S.) or previously been found ineligible to become a permanent resident of the United States?

Yes

No

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Were you lawfully admitted into the United States by an officer of the United States government? (Inspected, then admitted or paroled)

Yes

No

Back to: Relative of USC Filing for Permanent Residence Based on a Family Petition Main Menu

Are you currently maintaining a valid nonimmigrant status in the United States?

Yes

No

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It appears that you are ineligible to apply for permanent residence at this time because you do not have a pending immigrant visa petition. However, your permanent resident relative can still file an immigrant petition (Form I-130) on your behalf to start you on the path to permanent residence.

If an immigrant visa is immediately available at the time your LPR relative is filing the I-130 and you are maintaining a valid nonimmigrant status, you may also be able to file Form I-485, Application to Register Permanent Residence or Adjust Status, concurrently.

Beginning with the October 2015 visa bulletin, the "Application Final Action Dates" chart is used to indicate what priority dates are current for the purpose of issuing immigrant visas. This chart also indicates when individuals may file their adjustment of status applications. However, if USCIS determines that there are more immigrant visas available for the fiscal year than there are known applicants for such visas, the "Dates for Filing Visa Applications" chart may be used to determine when to file an adjustment of status application with USCIS. This will be indicated at www.uscis.gov/visabulletininfo.

The "Dates for Filing Visa Applications" chart indicates when the DOS National Visa Center should contact applicants outside the United States (or their attorneys of record or agents) to begin collecting applications, fees and supporting documents for pending immigrant visa cases overseas.

Your priority date is the date the Form I-130 petition is properly filed on your behalf. In the bulletin, if "C" is shown in a category, this means immigrant visas are immediately available for all qualified applicants in that category.

The conclusion reached is based on the information you provided and may not take certain factors into consideration such as arrests, convictions, deportations, removals, or inadmissibility.

USCIS is prohibited from providing legal advice. You may wish to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Executive Office for Immigration Review's (EOIR) Board of Immigration Appeals.

For more information about immigration law and regulations, please see our website at www.uscis.gov.

Back to: Relative of USC Filing for Permanent Residence Based on a Family Petition Main Menu

It appears that you are currently not eligible to apply for permanent residence in the United States. You may check our website at: www.uscis.gov/visabulletininfo to determine when you may be eligible to apply.

When your priority date for filing for permanent residence is current, you may contact us at 1-800-375-5283 or visit our website at www.uscis.gov for further information.

The conclusion reached is based on the information you provided and may not take certain factors into consideration such as arrests, convictions, deportations, removals, or inadmissibility.

USCIS is prohibited from providing legal advice. You may wish to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Executive Office for Immigration Review's (EOIR) Board of Immigration Appeals.

For more information about immigration law and regulations, please see our website at www.uscis.gov.

Back to: Relative of USC Filing for Permanent Residence Based on a Family Petition Main Menu

It appears you may be ineligible to apply for permanent residence in the United States. An approved or pending Form I-130, *Petition for Alien Relative*, does not cure inadmissibility or ineligibility of a foreign national to become a permanent resident of the U.S.

You will need to receive a waiver of inadmissibility. You must apply for the waiver. Even if a specific waiver exists for your situation, there is no guarantee that it would be granted. Some grounds of inadmissibility do not have a waiver, resulting in the permanent inadmissibility of an applicant to the U.S.

If a waiver does exist for your particular situation, to apply for the waiver:

You would file **Form I-601**, *Application for Waiver of Ground of Inadmissibility*, with USCIS for grounds of inadmissibility relating to criminal grounds, medical conditions, unlawful presence, immigration fraud or willful misrepresentation, etc.

You would file **Form I-192**, *Application for Advance Permission to Enter as a Non-immigrant*, with USCIS for all grounds of inadmissibility instead of Form I-601 if you are applying for permission to temporarily enter the U.S. as a nonimmigrant.

You would file **Form I-212**, *Application for Permission to Reapply for Admission into the U.S. after Deportation or Removal*, with USCIS if you have been ordered removed or deported by an immigration judge.

If you have been removed or deported, besides filing Form I-212, you may also need to file Form I-601 to apply for a waiver of the underlying ground(s) of inadmissibility for which you were removed or deported, as well as inadmissibility for unlawful presence.

USCIS is prohibited from providing legal advice. You may wish to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Executive Office for Immigration Review's (EOIR) Board of Immigration Appeals.

Note to Representative: If the customer has more questions about applying for a waiver, please go to Volume 6, Inadmissibility and Waivers.

Back to: Relative of USC Filing for Permanent Residence Based on a Family Petition Main Menu

It appears you may be eligible to apply for permanent residence in the United States. To begin the process you can file a Form I-485.

The conclusion reached is based on the information you provided and may not take certain factors into consideration such as arrests, convictions, deportations, removals, or inadmissibility.

USCIS is prohibited from providing legal advice. You may wish to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Executive Office for Immigration Review's (EOIR) Board of Immigration Appeals.

For more information about immigration law and regulations, please see our website at www.uscis.gov.

Information about how to apply for permanent resident status

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Was a qualified immigrant petition (Form I-130 or Form I-140) or application for labor certification (Form ETA-750) filed on your behalf on or before June 14, 1998?

Yes

No

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Was a qualified immigrant petition (Form I-130 or Form I-140) or application for labor certification (Form ETA-750) filed on your behalf between June 15, 1998 and April 30, 2001?

Yes

No

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Were you physically present in the United States on December 21, 2000?

Yes

No

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It appears that you are ineligible to apply for permanent residence inside the United States.

If you are still interested in becoming a permanent resident of the United States, then you must have an immigrant petition approved on your behalf. Please note that once that immigrant visa petition is approved, you must apply for an immigrant visa **at your local U.S. Embassy or Consulate outside the U.S**.

Note to Representative: If the customer is an immediate relative of a U.S. citizen (spouse, unmarried child under 21, or parent) and was not inspected/admitted/parole into the U.S, please read: If Form I-130 is approved for you, you may still be ineligible to adjust status in the United States and must travel abroad to obtain an immigrant visa. If you accrued more than 180 days of unlawful presence while in the United States, you must obtain a waiver of inadmissibility before you can return to the U.S. The provisional unlawful presence waiver process allows certain relatives of U.S. citizen who only need a waiver of inadmissibility for unlawful presence to apply for that waiver in the United States before they depart for their immigrant visa interview. You can apply for the provisional unlawful presence waiver using Form I-601A. To file Form I-601A, you must have an approved immigrant visa petition (Form I-130) classifying you as an immediate relative of a U.S. citizen and you must have already paid the Department of State immigrant visa processing fee.

The conclusion reached is based on the information you provided and may not take certain factors into consideration such as arrests, convictions, deportations, removals, or inadmissibility.

USCIS is prohibited from providing legal advice. You may wish to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Executive Office for Immigration Review's (EOIR) Board of Immigration Appeals.

For more information about immigration law and regulations, please see our website at www.uscis.gov.

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You may be eligible to apply for permanent residence in the United States.

Please note that if the I-130 petition filed on your behalf on or before April 30, 2001, was not filed by your current petitioner, when you file your I-485, you must provide evidence that indicates you had an immigrant visa petition (Forms I-130, I-140, I-360, or I-526) or labor certification application (Form ETA 750) filed on your behalf on or before April 30, 2001.

The conclusion reached is based on the information you provided and may not take certain factors into consideration such as arrests, convictions, deportations, removals, or inadmissibility.

USCIS is prohibited from providing legal advice. You may wish to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Executive Office for Immigration Review's (EOIR) Board of Immigration Appeals.

For more information about immigration law and regulations, please see our website at www.uscis.gov.

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Chapter 3 You are the relative of a Permanent Resident and would like to adjust your status

Several paths can lead an individual to become a permanent resident of United States while inside the U.S. In order to help you determine if any of these paths can help you become a permanent resident, I must ask you a few questions.

This preliminary determination is only a tool to help you decide whether you should apply for the benefit you seek and should by no means be interpreted as a determination that you are eligible for permanent residence.

Are you the spouse or unmarried child of a legal permanent resident?

Yes

No. The law limits eligibility to the spouse and unmarried child(ren) of a legal permanent resident. We cannot approve a relative petition filed by a legal permanent resident on behalf of any other relatives.

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Did your Permanent Resident relative file Form I-130, Petition for Alien Relative, on your behalf?

Yes

No

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In most immigrant categories, the law limits how many people can immigrate each year. Often the demand to immigrate is greater than the limit allowed per year.

Priority dates are numerical limitations (preferences) assigned to eligible applicants seeking to immigrate to the United States. This is solely due to the maximum number of visas issued per fiscal year (October 1 through September 30) that are divided into family sponsored, employment based, and diversity immigrant visas.

The Department of State (DOS) issues a visa bulletin on a monthly basis. In the visa bulletin, if a date is shown for any category, this indicates that the category is oversubscribed. The cut-off date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. Visas are available only to applicants who have a priority date earlier than the cut-off date.

Beginning with the October 2015 visa bulletin, the "Application Final Action Dates" chart is used to indicate what priority dates are current for the purpose of issuing immigrant visas. This chart also indicates when individuals may file their adjustment of status applications. However, if USCIS determines that there are more immigrant visas available for the fiscal year than there are known applicants for such visas, the "Dates for Filing Visa Applications" chart may be used to determine when to file an adjustment of status application with USCIS. This will be indicated at www.uscis.gov/visabulletininfo.

The "Dates for Filing Visa Applications" chart indicates when the DOS National Visa Center should contact applicants outside the United States (or their attorneys of record or agents) to begin collecting applications, fees and supporting documents for pending immigrant visa cases overseas.

Your priority date is the date the Form I-130 petition is properly filed on your behalf.

In the bulletin, if "C" is shown in a category, this means immigrant visas are immediately available for all qualified applicants in that category.

In the bulletin, "U" means unavailable. This means no immigrant visas are available.

Note to Representative: Check the webpage: www.uscis.gov/visabulletininfo. Based upon the information provided by USCIS, select the appropriate link below:

According to the Visa Bulletin posted by USCIS, the immigrant may currently file an adjustment of status application.

According to the Visa Bulletin posted by USCIS, the immigrant may **NOT** currently file an adjustment of status application.

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Have you ever been deemed to be inadmissible (not eligible to enter or remain in the U.S.) or previously been found ineligible to become a permanent resident of the United States?

Yes

No

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Were you lawfully admitted into the United States by an officer of the United States government? (Inspected, then admitted or paroled)

Yes

No

Back to: Relative of Permanent Resident Filing for Permanent Residence Based on a Family Petition Main Menu

Are you currently maintaining a valid nonimmigrant status in the United States?

Yes

No

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It appears that you are ineligible to apply for permanent residence at this time because you do not have a pending immigrant visa petition. However, your permanent resident relative can still file an immigrant petition (Form I-130) on your behalf to start you on the path to permanent residence.

The conclusion reached is based on the information you provided and may not take certain factors into consideration such as arrests, convictions, deportations, removals, or inadmissibility.

USCIS is prohibited from providing legal advice. You may wish to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Executive Office for Immigration Review's (EOIR) Board of Immigration Appeals.

For more information about immigration law and regulations, please see our website at www.uscis.gov.

Back to: Relative of Permanent Resident Filing for Permanent Residence Based on a Family Petition Main Menu

It appears that you are currently not eligible to apply for permanent residence in the United States. You may check our website at: www.uscis.gov/visabulletininfo to determine when you may be eligible to apply.

When your priority date for filing for permanent residence is current, you may contact us at 1-800-375-5283 or visit our website at www.uscis.gov for further information.

The conclusion reached is based on the information you provided and may not take certain factors into consideration such as arrests, convictions, deportations, removals, or inadmissibility.

USCIS is prohibited from providing legal advice. You may wish to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Executive Office for Immigration Review's (EOIR) Board of Immigration Appeals.

For more information about immigration law and regulations, please see our website at www.uscis.gov.

Back to: Relative of Permanent Resident Filing for Permanent Residence Based on a Family Petition Main Menu

It appears you may be ineligible to apply for permanent residence in the United States. An approved or pending Form I-130, *Petition for Alien Relative*, does not cure inadmissibility or ineligibility of a foreign national to become a permanent resident of the U.S.

You will need to receive a waiver of inadmissibility. You must apply for the waiver. Even if a specific waiver exists for your situation, there is no guarantee that it would be granted. Some grounds of inadmissibility do not have a waiver, resulting in the permanent inadmissibility of an applicant to the U.S.

If a waiver does exist for your particular situation, to apply for the waiver:

You would file **Form I-601**, *Application for Waiver of Ground of Inadmissibility*, with USCIS for grounds of inadmissibility relating to criminal grounds, medical conditions, unlawful presence, immigration fraud or willful misrepresentation, etc.

You would file **Form I-192**, *Application for Advance Permission to Enter as a Non-immigrant*, with USCIS for all grounds of inadmissibility instead of Form I-601 if you are applying for permission to temporarily enter the U.S. as a nonimmigrant.

You would file **Form I-212**, *Application for Permission to Reapply for Admission into the U.S. after Deportation or Removal*, with USCIS if you have been ordered removed or deported by an immigration judge.

If you have been removed or deported, besides filing Form I-212, you may also need to file Form I-601 to apply for a waiver of the underlying ground(s) of inadmissibility for which you were removed or deported, as well as inadmissibility for unlawful presence.

USCIS is prohibited from providing legal advice. You may wish to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Executive Office for Immigration Review's (EOIR) Board of Immigration Appeals.

Note to Representative: If the customer has more questions about applying for a waiver, please go to Volume 6, Inadmissibility and Waivers.

Back to: Relative of Permanent Resident Filing for Permanent Residence Based on a Family Petition Main Menu

It appears you may be eligible to apply for permanent residence in the United States. To begin the process you can file a Form I-485.

The conclusion reached is based on the information you provided and may not take certain factors into consideration such as arrests, convictions, deportations, removals, or inadmissibility.

USCIS is prohibited from providing legal advice. You may wish to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Executive Office for Immigration Review's (EOIR) Board of Immigration Appeals.

For more information about immigration law and regulations, please see our website at www.uscis.gov.

Information about how to apply for permanent resident status

Back to: Relative of Permanent Resident Filing for Permanent Residence Based on a Family Petition Main Menu

Was a qualified immigrant petition (Form I-130 or Form I-140) or application for labor certification (Form ETA-750) filed on your behalf on or before June 14, 1998?

Yes

No

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Was a qualified immigrant petition (Form I-130 or Form I-140) or application for labor certification (Form ETA-750) filed on your behalf between June 15, 1998 and April 30, 2001?

Yes

No

Back to: Relative of Permanent Resident Filing for Permanent Residence Based on a Family Petition Main Menu

Were you physically present in the United States on December 21, 2000?

Yes

No

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It appears that you are ineligible to apply for permanent residence inside the United States.

If you are still interested in becoming a permanent resident of the United States, then you must have an immigrant petition approved on your behalf. Please note that once that immigrant visa petition is approved, you must apply for an immigrant visa **at your local U.S. Embassy or Consulate outside the U.S**.

The conclusion reached is based on the information you provided and may not take certain factors into consideration such as arrests, convictions, deportations, removals, or inadmissibility.

USCIS is prohibited from providing legal advice. You may wish to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Executive Office for Immigration Review's (EOIR) Board of Immigration Appeals.

For more information about immigration law and regulations, please see our website at www.uscis.gov.

Back to: Relative of Permanent Resident Filing for Permanent Residence Based on a Family Petition Main Menu

You may be eligible to apply for permanent residence in the United States.

Please note that if the I-130 petition filed on your behalf on or before April 30, 2001, was not filed by your current petitioner, when you file your I-485, you must provide evidence that indicates you had an immigrant visa petition (Forms I-130, I-140, I-360, or I-526) or labor certification application (Form ETA 750) filed on your behalf on or before April 30, 2001.

The conclusion reached is based on the information you provided and may not take certain factors into consideration such as arrests, convictions, deportations, removals, or inadmissibility.

USCIS is prohibited from providing legal advice. You may wish to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Executive Office for Immigration Review's (EOIR) Board of Immigration Appeals.

For more information about immigration law and regulations, please see our website at www.uscis.gov.

Back to: Relative of Permanent Resident Filing for Permanent Residence Based on a Family Petition Main Menu

Chapter 4 You were admitted to the United States on a K1 or K2 visa and would like to adjust your status

Several paths can lead an individual to become a permanent resident of United States while inside the U.S. In order to help you determine if any of these paths can help you become a permanent resident, I must ask you a few questions first.

This preliminary determination is only a tool to help you decide whether you should apply for the benefit you seek and should by no means be interpreted as a determination that you are eligible for permanent residence.

The first step we must take to determine if you may be able to file for permanent residence is to determine if any of the following descriptions describe your situation.

Admitted to the United States as the K-1 fiancé(e) of a U.S. Citizen

Admitted to the United States as the K-2 child (unmarried child under the age of 21) of a K-1 fiancé(e)

Back to: Filing for Permanent Residence Based on a Family Petition Main Menu

Did you marry the U.S. Citizen petitioner who filed the Petition for Alien Fiancé(e) (Form I-129F) on your behalf within 90 days of your entry into the United States?

Yes

No

Back to: K-1 or K-2 Visa holder Filing for Permanent Residence Based on a Family Petition Main Menu

Have you ever been deemed to be inadmissible (not eligible to enter or remain in the U.S.) or previously been found ineligible to become a permanent resident of the United States?

Yes

No

Back to: K-1 or K-2 Visa holder Filing for Permanent Residence Based on a Family Petition Main Menu

Did your K-1 parent, whom you accompanied to the United States, marry the U.S. Citizen petitioner who filed the Petition for Alien Fiancé(e) (Form I-129F) on his or her behalf within 90 days of his or her and your entry into the United States?

Yes

No

Back to: K-1 or K-2 Visa holder Filing for Permanent Residence Based on a Family Petition Main Menu

Have you ever been deemed to be inadmissible (not eligible to enter or remain in the U.S.) or previously been found ineligible to become a permanent resident of the United States?

Yes

No

Back to: K-1 or K-2 Visa holder Filing for Permanent Residence Based on a Family Petition Main Menu

It appears that you are ineligible to apply for permanent residence inside the United States.

If you are still interested in becoming a permanent resident of the United States, then you must have an immigrant visa petition approved on your behalf. Please note that once that immigrant visa petition is approved, you must file for an immigrant visa **at your local U.S. Embassy or Consulate outside the U.S**.

For more information about immigration law and regulations, please see our website at www.uscis.gov.

Back to: K-1 or K-2 Visa holder Filing for Permanent Residence Based on a Family Petition Main Menu

It appears you may be ineligible to apply for permanent residence in the United States. An approved or pending Form I-130, *Petition for Alien Relative*, does not cure inadmissibility or ineligibility of a foreign national to become a permanent resident of the U.S.

You will need to receive a waiver of inadmissibility. You must apply for the waiver. Even if a specific waiver exists for your situation, there is no guarantee that the waiver will be granted. Some grounds of inadmissibility do not have a waiver, resulting in the permanent inadmissibility of an applicant to the U.S.

If a waiver does exist for your particular situation, to apply for the waiver:

You would file **Form I-601**, *Application for Waiver of Ground of Inadmissibility*, with USCIS for grounds of inadmissibility relating to criminal grounds, medical conditions, unlawful presence, immigration fraud or willful misrepresentation, etc.

You would file **Form I-192**, *Application for Advance Permission to Enter as a Non-immigrant*, with USCIS for all grounds of inadmissibility instead of Form I-601 if you are applying for permission to temporarily enter the U.S. as a nonimmigrant.

You would file **Form I-212**, *Application for Permission to Reapply for Admission into the U.S. after Deportation or Removal*, with USCIS if you have been ordered removed or deported by an immigration judge.

If you have been removed or deported, besides filing Form I-212, you may also need to file Form I-601 to apply for a waiver of the underlying ground(s) of inadmissibility for which you were removed or deported, as well as inadmissibility for unlawful presence. If you are an immediate relative of a U.S. citizen, you might qualify to file for a provisional unlawful presence waiver using Form I-601A.

USCIS is prohibited from providing legal advice. You may wish to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Executive Office for Immigration Review's (EOIR) Board of Immigration Appeals.

Note to Representative: If the customer has more questions about applying for a waiver, please go to Volume 6, Inadmissibility and Waivers.

Back to: K-1 or K-2 Visa holder Filing for Permanent Residence Based on a Family Petition Main Menu

It appears you may be eligible to apply for permanent residence in the United States. To begin the process you can file an I-485.

If a dependent child was included on the original Petition for Alien Fiancé(e) (Form I-129F) , that child may also be eligible to apply for adjustment of status. You should file your dependent child's I-485 application at the same time as your I-485 application.

The conclusion reached is based on the information you provided and may not take certain factors into consideration such as arrests, convictions, deportations, removals, or inadmissibility.

USCIS is prohibited from providing legal advice. You may wish to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Executive Office for Immigration Review's (EOIR) Board of Immigration Appeals.

For more information about immigration law and regulations, please see our website at www.uscis.gov.

Back to: K-1 or K-2 Visa holder Filing for Permanent Residence Based on a Family Petition Main Menu

It appears you may be eligible to apply for permanent residence in the United States. To begin the process, you should file your I-485 application with your K-1 parent's application or with evidence that your parent's I-485 application is pending with USCIS or was approved, or with evidence that your parent was granted permanent residence based on a K-1 visa.

The conclusion reached is based on the information you provided and may not take certain factors into consideration such as arrests, convictions, deportations, removals, or inadmissibility.

USCIS is prohibited from providing legal advice. You may wish to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Executive Office for Immigration Review's (EOIR) Board of Immigration Appeals.

For more information about immigration law and regulations, please see our website at www.uscis.gov.

Back to: K-1 or K-2 Visa holder Filing for Permanent Residence Based on a Family Petition Main Menu

CSR Transfer Statement:

Due to a high volume of calls, we would be happy to take some information from you and refer your inquiry to a USCIS officer to research and respond.

Note to Representative:

- Go to SRMT and take a service request.
  - The Service Request Type will be based on the Transfer Reason.
  - In the comments block, state the specific information that the customer is seeking and a brief reason why he or she needed the call escalated.
  - Ensure the caller is within the "acceptable caller type" before taking the service request.
  - Complete the service request and use the routing override capability to select **WKD** as the office for the service request to route to Tier 2.
  - Provide the customer with the referral ID number.
  - Advise the customer that a USCIS officer will research their inquiry and contact them within 3 to 5 business days.

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In order to ensure customer privacy and security as well as data integrity, we may only take information regarding cases from the following individuals:

- The applicant/petitioner (The person who signed the application or petition in question)
- Authorized Officer or Employee of Petitioning Company or Organization
- A translator (Only if the applicant/petitioner is present)
- An attorney who claims to have a G-28 on file for the petitioner/applicant OR a paralegal from that attorney's office/firm (ask if the attorney has a G-28 on file)
- A Community-Based Organization (CBO) who is representing the applicant/petitioner and who has a G-28 on file (ask if the CBO has a G-28 on file)
- A parent of an applicant/petitioner who is under age 18.
- A legal guardian of an applicant or petitioner
- An adult caregiver of the applicant or petitioner (Such as a nurse caring for an elderly or disabled person – if the applicant or petitioner is physically able to speak on the phone, his/her presence should at least be confirmed. If physically unable to speak on the phone , continue as if the caregiver were the applicant/petitioner)

Confirm that the caller meets at least one of the above listed requirements before taking a Service Request. If the caller is not within one of the acceptable caller types listed above, we will not be able to take a service request from the caller.

Back to: Filing for Permanent Residence Based on a Family Petition Main Menu

Volume 4.4.3.2 Filing for Permanent Residence based on Employment

What information are you interested in obtaining? (Please select an option below)

Back to: Main Menu

Chapter 1 General Information about Filing an Application for Permanent Residence based on Employment

OVERVIEW

In most cases, once an employer identifies a prospective employee it will start the process by filing an application for labor certification with the U.S. Department of Labor (DOL). When the application is approved by DOL, the employer may then file a Form I-140 on behalf of the employee with USCIS. If the I-140 is approved by USCIS, the individual may file Form I-485 Application to Register Permanent Resident or Adjust Status and it will be processed once a visa becomes available.

In some cases, such as outstanding researchers, persons of extraordinary ability, and intra-company managers, a labor certification is not needed.

Back to: Filing for Permanent Residence based on Employment Main Menu

What are the different employment-based immigrant categories and how are they divided?

The preference categories are organized into a tiered structure of occupations ranging from those that are in the national interests of the U.S. to religious occupations. Essentially this means that employment-based cases are ranked according to the importance of the particular profession to the national interests of the U.S, which depends upon the occupation's economic, scientific, technologic, and social contribution to the United States. Below is a list of the employment-based preference categories and the work classifications that fall under them.

The EB-1 Category consists of:

- Aliens with extraordinary ability in the sciences, arts, education, business or athletics
- Outstanding professors or researchers; and
- Multinational executives and managers.

The EB-2 Category consists of:

- Aliens who because of their exceptional ability in the sciences, arts, or business will substantially benefit the national economy, cultural, or educational interests or welfare of the United States; and
- Aliens who are members of the professions holding advanced degrees or their equivalent.

The EB-3 Category consists of:

- Aliens with at least two years of experience as skilled workers;
- Professionals with a baccalaureate degree; and
- Other workers with less than two years experience, such as an unskilled worker who can perform labor for which qualified workers are not available in the United States.

The EB-4 Category consists of:

- Religious Workers
- Broadcasters
- Iraqi/Afghan Translators
- Iraqis Who Have Assisted the United States
- International Organization Employees
- Physicians
- Armed Forces Members
- Panama Canal Zone Employees
- Retired NATO-6 employees
- Spouses and Children of Deceased NATO-6 employees

Back to: Filing for Permanent Residence based on Employment Main Menu

Who is a principal beneficiary?

A principal beneficiary is the alien on whose behalf a petition can be filed directly.

Who is a derivative beneficiary?

A derivative beneficiary is an alien for whom a petition cannot be directly filed, but who can follow to join or accompany the principal beneficiary based on a spousal or parent-child relationship.

How do I know if I can file for permanent resident status based on my job?

Several avenues can lead an individual to become a permanent resident of United States while inside the U.S.

By answering the following questions, we can begin to see if you appear to be able to file an application for permanent resident status based on your job or job offer.

However, please be advised that this preliminary determination does not mean you are actually eligible for permanent residence. This preliminary determination is only a tool to help you decide whether you may want to apply for the benefit you seek, and should by no means be interpreted as a determination that you are eligible for permanent residence.

Note to Representative: Questions to help customer determine if he/she may be able to apply for permanent residence based on employment

Back to: Filing for Permanent Residence based on Employment Main Menu

Please choose the scenario below that most closely matches yours:

- Your U.S. employer (or you, if you filed under the first preference category) has ALREADY FILED an employment-based immigrant petition (I-140 or I-360) on your behalf.

- Your employer (or you) has NOT YET FILED an employment-based immigrant petition (I-140 or I-360) but has already determined under what category to file the petition. You want to check the filing requirements of the I-485, Application for Permanent Resident Status, to see if you and your employer may want to file the application for permanent resident status at the same time your employer files the petition.

- An employment-based immigrant petition has not yet been filed, and you and/or your employer are unsure where to start.

Back to: Filing for Permanent Residence based on Employment Main Menu

You should first determine under what immigrant category, if any, an employer-based petition could be filed.

For more detailed information or information concerning the filing of the immigrant visa petition, please visit our website www.uscis.gov

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Were you lawfully admitted into the United States by an officer of the United States government? (Inspected, then admitted or paroled)

- Yes
- No

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Are you currently maintaining a valid nonimmigrant status in the United States?

- Yes
- No

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Are you are currently in the U.S., in one of the following nonimmigrant categories? (Choose one below.)

Nonimmigrant Categories			
Diplomats and Government Representatives, and their staffs and		**Nonimmigrant Workers and their dependents**	
A	Diplomatic Personnel	D	Crewmembers
C2	Representative in transit to or from the United Nations Headquarters District	E	Treaty Traders and Treaty Investors based on a bilateral treaty, and dependents
C3	Government Representatives in transit through the U.S.	H1B	Temporary Workers in Specialty Occupations
G	Other Government Representatives	H1C	Registered Nurses
NATO	NATO personnel on assignment to the U.S.	H2A	Temporary Agricultural Workers
Tourists and Visitors on business		H2B	Temporary skilled and unskilled workers
B	Tourists and Visitors on Business including citizens of Canada entering without a visa	H3	Trainees
WB	Visitors coming temporarily on business admitted under the Visa Waiver Program	H4	Dependents of H1, H2, and H-3 workers and trainees
		I	Representatives of Foreign Information Media
WT	Tourists admitted under the Visa Waiver program	L	Intra-Company Transferees
Guam Visa Waiver	Tourists Admitted only to Guam under Special Visa Waiver	O	Persons with Extraordinary Ability and their support personnel
Students and Exchange Visitors, and their dependents			
F	Academic Students	P1	Internationally recognized Athletes and Entertainers
J	Exchange Program Visitors	P2	Artists and Entertainers pursuant to Exchange Agreements
M	Vocational Students	P3	Culturally Unique Artists and Entertainers
Fiancé(e)s and certain relatives of U.S. citizens and Permanent Residents		P4	Dependents of 'P' athletes, artists and entertainers
K1 K2	Fiancé(e)s of U.S. citizens and their dependent children (also see U.S. citizen services)	Q1	International Cultural Exchange Visitors
		Q2, Q3	Irish Peace Process cultural training program participants
K3 K4	Certain Husbands and Wives of U.S. citizens, and their dependent children	R	Religious Workers
V	Certain Relatives of a Permanent Resident (LIFE Act)	TN1, TD	Canadian professionals under NAFTA (North American Free Trade Agreement) and their dependents (TD)
Others		TN2, TD	Mexican professionals under NAFTA (North American Free Trade Agreement) and their dependents (TD)
C1, TWOV	Persons transiting the U.S.		
S U	Certain Informants and victims of criminal activity in the U.S.		
T	Victims of Trafficking		
Parolee	Person paroled into U.S. temporarily		

Since January 1, 1977, have you been employed in the United States without proper authorization?

- Yes
- No

Back to: Filing for Permanent Residence based on Employment Main Menu

Have you ever otherwise violated your nonimmigrant status in the U.S.?

- Yes
- No

Back to: Filing for Permanent Residence based on Employment Main Menu

Have you obtained a certification from the Department of State or NATO on Form I-566?

- Yes
- No

Back to: Filing for Permanent Residence based on Employment Main Menu

Have you obtained a waiver of the two-year foreign residence requirement through approval by USCIS?

- Yes
- No

Back to: Filing for Permanent Residence based on Employment Main Menu

Was the immigrant petition (I-140) or the labor certification filed on your behalf by your U.S. employer or yourself on or before April 30, 2001?

- Yes
- No

Back to: Filing for Permanent Residence based on Employment Main Menu

Did you ever have a non-frivolous immigrant petition of any kind filed on your behalf on or before April 30, 2001?

- Yes
- No

Back to: Filing for Permanent Residence based on Employment Main Menu

Is an immigrant visa available for your pending or approved petition?

- Yes
- No
- I don't know

Back to: Filing for Permanent Residence based on Employment Main Menu

Is an immigrant visa currently available in the employment-based preference category in which you can be categorized?

- Yes
- No

Back to: Filing for Permanent Residence based on Employment Main Menu

Have you ever been deemed to be inadmissible (not eligible to enter or remain in the U.S.) or previously been found ineligible to become a permanent resident of the United States?

- Yes
- No

Back to: Filing for Permanent Residence based on Employment Main Menu

Have you ever been deemed inadmissible or been found ineligible to become a permanent resident of the United States?

- Yes
- No

Back to: Filing for Permanent Residence based on Employment Main Menu

It appears that you may be able to apply for permanent residence in the United States. To begin the process you may be able to file a Form I-485.

If the immigrant visa petition is an I-140 and it has not yet been filed, you may be able to file your I-485 at the same time your employer files the Form I-140.

Please note: If you entered the United States illegally or are no longer in legal immigration status, you must have a priority date (either on this petition or a prior petition) of on or prior to April 30, 2001 in order to apply for permanent resident status. You will also need to submit Supplement A to Form I-485 with the associated penalty fee.

More detailed procedures about filing Form I-485

Back to: Filing for Permanent Residence based on Employment Main Menu

It appears that you may be eligible to apply for permanent residence in the United States. However, you indicated that the petition filed on your behalf on or before April 30, 2001 was not filed by your current petitioner. Therefore, when you file your I-485 you must provide evidence that indicates you had an immigrant petition filed on your behalf on or before April 30, 2001.

If you or your employer has not filed the I-140 on your behalf yet, you may do so when you file your I-485.

More detailed procedures about filing Form I-485

Back to: Filing for Permanent Residence based on Employment Main Menu

It appears that your employer may want to pursue the immigrant visa petition process for you. Unfortunately, because you have indicated you have one or more of the following issues:

A. You did not enter the United States legally, or
B. You entered in a status that is barred from applying for permanent resident status in the United States, or
C. You worked in the U.S. without proper authorization some time after January 1, 1977, or
D. You violated your status in the United States, or
E. You are not currently in a valid nonimmigrant status, or
F. You entered in A, G or NATO status and have not yet obtained a certification from the Department of State or NATO on Form I-566, or
G. You entered in "J" status and have not yet obtained a waiver of the two-year foreign residence requirement, or
H. You entered in K-1 fiancé(e) status and did not seek permanent residence through marriage to the United States citizen petitioner,

It appears you cannot file to adjust your status to permanent resident in the United States. Therefore, you will need to depart the U.S. in order to apply for the immigrant visa at the U.S. Consulate.

If the petition your employer files on your behalf is approved, it will be sent to the State Department's National Visa Center (NVC). The NVC will pre-process it and forward it to the U.S. Consulate nearest your country of origin. You will be notified and may be invited to apply for your immigrant visa outside the United States at a U.S. Consulate when your visa becomes available.

For more information about visa processing and availability, please see the visa availability list at the State Department's web site at www.state.gov.

Back to Filing for Permanent Residence based on Employment Main Menu

It appears that you are currently not eligible to apply for permanent residence because an immigrant visa is not currently available to you based on your priority date and immigrant visa category being sought. An immigrant visa must be available before you can apply for permanent residence.

Please check the visa bulletin regularly at www.uscis.gov/visabulletininfo to determine when you may be eligible to apply.

Back to: Filing for Permanent Residence based on Employment Main Menu

It appears that you may be ineligible to apply for permanent residence in the United States.

An approved or pending **Form I-140**, Petition for Alien Worker, does not cure inadmissibility or ineligibility of a foreign national to become a permanent resident of the U.S.

You would need to receive a waiver of inadmissibility. In order to receive a waiver, you would have to specifically request or apply for the waiver. Even if a specific waiver exists for your situation, there is no guarantee that it would be granted. Some grounds of inadmissibility do not have a waiver, resulting in the permanent inadmissibility of an applicant from the U.S.

If a waiver does exist for your particular situation, to apply for the waiver:

You would file **Form I-601**, Application for Waiver of Ground of Inadmissibility, with USCIS for all grounds of inadmissibility: criminal record, medical condition, unlawful presence, immigration fraud or willful misrepresentation, etc.

You would file **Form I-192**, Application for Advance Permission *to* Enter as a Non-immigrant, with USCIS for all grounds of inadmissibility instead of Form I-601 if you are applying for permission to temporarily enter the U.S. as a nonimmigrant.

You would file **Form I-212**, Application for Permission to Reapply for Admission into the *U.S.* after Deportation or Removal, with USCIS if you have been ordered removed or deported by an immigration judge. If you have been ordered removed or deported, besides filing Form I-212, you may need to file Form I-601 as well to apply for a waiver of the underlying ground of inadmissibility for which you were ordered removed.

Back to Filing for Permanent Residence based on Employment Main Menu

In some cases, an employee who is in the United States may be able to file for permanent resident status at the same time the employer files the I-140 petition if an immigrant visa would be immediately available to him or her. In most immigrant categories, the law limits how many people can immigrate each year.

Priority dates are numerical limitations (preference) assigned to eligible applicants seeking to immigrate to the United States. This is solely due to the maximum number of visas issued from October 1 through September 30 and they are divided into family sponsored, employment based, and diversity immigration.

Priority dates are used to make sure that each eligible person within an immigrant category is considered in chronological order. In other words, a priority date is the person's place in line to immigrate. For employment-based categories, the priority date is either:

1. The date the I-140 is filed, if filing for an immigrant visa category that does not require a labor certification, **or**
2. The date the approved labor certification was received at the Department of Labor, as indicated on the certification, if filing for an immigrant visa category that does require a labor certification.

The Department of State (DOS) issues a visa bulletin on a monthly basis. In the visa bulletin, if a date is shown for any category, this indicates that the category is oversubscribed. The cut-off date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. Visas are available only to applicants who have a priority date earlier than the cut-off date.

Beginning with the October 2015 visa bulletin, the "Application Final Action Dates" chart is used to indicate what priority dates are current for the purpose of issuing immigrant visas. This chart also indicates when individuals may file their adjustment of status applications. However, if USCIS determines that there are more immigrant visas available for the fiscal year than there are known applicants for such visas, the "Dates for Filing Visa Applications" chart may be used to determine when to file an adjustment of status application with USCIS. This will be indicated at www.uscis.gov/visabulletininfo.

The "Dates for Filing Visa Applications" chart indicates when the DOS National Visa Center should contact applicants outside the United States (or their attorneys of record or agents) to begin collecting applications, fees and supporting documents for pending immigrant visa cases overseas.

In the bulletin, if "C" is shown in a category, this means immigrant visas are immediately available for all qualified applicants in that category; and

In the bulletin, "U" means unavailable. This means no immigrant visas are available.

Note to Representative: Review the webpage www.uscis.gov/visabulletininfo. After reviewing the Visa Bulletin provided by USCIS, does it appear that an immigrant visa is currently available?

- Yes
- No

Chapter 2 Filing an Application for Adjustment of Status based on Employment

OVERVIEW

This section covers the process that enables an employee to adjust status to that of lawful permanent resident based on an approved employment-based petition. An immigrant or lawful permanent resident is a foreign national who is authorized to live and work permanently in the U.S. This section covers the process of how to apply for adjustment of status to that of lawful permanent resident.

If an employer wants to sponsor someone for lawful permanent residence based upon permanent employment, he/she must go through a multi-stage process. In some cases, the employer must first file a Labor Certification Request with the Department of Labor (DOL). After the Labor Certification Request has been approved by the DOL, or if such a certification is not required, the employer starts the process with USCIS by filing Form I-140, Petition for Alien Worker. Once a visa number becomes available, the foreign national can apply for adjustment of status to that of lawful permanent resident.

General Adjustment of Status Filing Process Questions

- What is the process to obtain lawful permanent residence in the United States?
- Which application do I file to adjust my status in the United States?
- Are there any additional applications I can file concurrently with the I-485?
- How do I check for visa availability?
- What initial evidence must I submit with the adjustment of status application to demonstrate my eligibility?
- Where is the I-485 package filed?
- What is the filing fee for the I-485?
- Do I have to file a separate I-485 for every member of my family if I am the beneficiary of an approved Petition for an Immigrant Worker (I-140)?
- If I am adjusting my status in the U.S. but my family, who is derivative of my approved I-140, resides abroad, how do I apply for them?
- Am I required to submit a medical examination with my adjustment of status application? And what about my family?

Adjustment of Status Questions concerning the H-1B

- I am an H-1B who wishes to change employers while my adjustment of status case is pending. How long must I wait to do so without the change in employers affecting my adjustment of status case?
- I am an H-1B who no longer works for the petitioning employer. Can I supply a letter of employment from my new employer?

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Fingerprinting and Adjustment of Status Interview Questions

- Do my fingerprints have to be taken for the adjustment of status application?
- Do my fingerprints have to clear before I become a permanent resident?
- Does my child who is under 14 years of age have to be fingerprinted or have to be interviewed?
- Am I required to attend the interview in order to adjust my status?
- Is it possible for the interview to be waived by USCIS?
- What kind of documentary evidence is required at the time of the interview?

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What is the process to obtain lawful permanent residence in the United States?

The entire process for obtaining permanent residence both inside and outside the United States is described in the following table:

Stages- Who Does It and What Happens?

1. *Employer*-Determines if prospective employee or current employee meets the basic criteria for one of the four distinct visa categories that permanent residency is granted for when based on employment. These are:
   - EB-1 Priority workers
   - EB-2 Professionals with advanced degrees
   - EB-2 Persons with exceptional ability
   - EB-3 Skilled, professional or other workers
   - EB-4 Special Immigrants
2. *Employer*-Files a labor certification request, Application for Permanent Employment Certification (ETA Form 9089), with the Department of Labor.

   Note to Representative: Labor Certification is not required for all employment-based categories.

3. *DOL*-Grants or denies the certification request.

   Note to Representative: Employer could skip this step if labor certification is not required.

4. *Employer*-Files on behalf of employee an approved labor certification with an immigrant visa petition, Immigrant Petition for Alien Worker (Form I-140) or Petition for an Amerasian, Widow (er), or Special Immigrant (I-360), with USCIS.

5. *USCIS*-Grants or denies Immigrant Petition for Alien Worker (Form I-140) or Petition for an Amerasian, Widow(er), or Special Immigrant (I-360).

6. *State Department*-Allocates immigrant visa numbers according to priority dates.

   Note to Representative: For I-140s, the priority date is determined by the date that the ETA Form 9089 was filed with the Department of Labor. If no labor certification was required (EB-1 categories), the date the Form I-140 was filed with USCIS is the priority date.

7. *Employee* - Determines if a visa is available based on his/her priority date and files for adjustment of status if visa number is available. If the applicant is outside the United States when an immigrant visa number becomes available, he or she will be notified and must complete the process at his or her nearest U.S. consulate office. **Note to Representative**: Employee may not have to wait for approval of I-140 before filing for adjustment of status as he or she may be eligible for concurrent filing, which is contingent upon visa availability.

8. *USCIS or U.S. Consulate* - If the employee is inside the U.S., USCIS will approve or deny the application for permanent residence. If the employee is outside the U.S., the U.S. Consulate will approve or deny the immigrant visa application.

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Which application do I file to adjust my status in the United States?

Use the Form I-485, Application to Register Permanent Residence or Adjust Status, to apply for permanent resident status.

Are there any additional applications I can file concurrently with the I-485?

Yes, you must submit the following forms with the I-485:

- Either your original I-140, Immigrant Petition for Alien Worker (if you are filing concurrently and a visa is available), or a copy of your I-797, Notice of Action (if the petition was already approved);
- Adjustment of Status Based On an Approved Petition;
- Biographic Information (G-325A);
- Affidavit of Support (I-864) if applicable; and
- Medical Examination of Aliens Seeking Adjustment of Status (I-693).

In addition, you may also submit the following forms:

- Notice of Entry of Appearance as Attorney or Representative (G-28);
- Application for Employment Authorization (I-765), if you want to work while your application is processed;
- Application for Travel Document (I-131), if you need to travel outside the United States while your application is processed;
- Supplement A (I-485), and penalty fee if applicable; and
- Application for Waiver of Grounds of Excludability (I-601), if applicable.

Please note that you may not file the Application to Register Permanent Residence or Adjust Status (Form I-485) concurrently with the Immigrant Petition for Alien Worker (I-140) unless an immigrant visa number is immediately available to you.

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How do I check for visa availability?

You can check for visa availability by accessing the Visa Bulletin from the Department of State website. Check the State Department's visa availability bulletin. Beginning with the October 2015 visa bulletin, the Department of State will publish two charts:

- An "Application Final Action Dates" chart, which shows what priority dates are current for the purpose of issuing immigrant visas and when individuals may file their adjustment of status application, and
- A "Dates for Filing Visa Applications" chart, indicating when immigrant visa applicants should be notified to assemble and submit required documentation to the National Visa Center.

If USCIS determines that there are more immigrant visas available for the fiscal year than there are known applicants for such visas, the "Dates for Filing Visa Applications" chart" may be used to determine when to file an adjustment of status application with USCIS.

What initial evidence must I submit with the adjustment of status application to demonstrate my eligibility?

Please read the instructions on the Form I-485 carefully to determine what initial evidence to submit.

Do I have to file a separate I-485 for every member of my family if I am the beneficiary of an approved Petition for an Immigrant Worker (I-140)?

Yes, you must file a separate I-485 application for every member of the family that is applying for adjustment of status in the United States.

If I am adjusting my status in the U.S. but my family, who is derivative of my approved I-140, resides abroad, how do I apply for them?

If your spouse or child is residing abroad, and you are adjusting status in the United States, you may file Form I-824 Application for Action on an Approved Application or Petition. You should file it at the same time you file your adjustment of status application to allow your family to immigrate to the United States without delay if your adjustment of status application is approved.

Am I required to submit a medical examination with my adjustment of status application? And what about my family?

Yes, you and your family are required to submit a medical examination with each of your individual adjustment of status applications.

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I am an H-1B who wishes to change employers while my adjustment of status case is pending. How long must I wait to do so without the change in employers affecting my adjustment of status case?

You are able to change employers while your adjustment of status case is pending without negative repercussions on your adjustment case, if:

- An Application to Adjust Status (I-485), on the basis of an employment-based immigrant petition, has been filed and remained un-adjudicated for 180 days or more; and
- The new job is in the same or similar occupational classification as the job for which the certification or approval was initially made.

I am an H-1B who no longer works for the petitioning employer. Can I supply a letter of employment from my new employer?

Yes, you can and should submit a new letter of employment from your new employer. The letter from the new employer should:

- Verify that a job offer exists; and
- Contain the new job title, job description and salary.

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Do my fingerprints have to be taken for the adjustment of status application?

If you are between the ages of 14 and 79, you must be fingerprinted.

Do my fingerprints have to clear before I become a permanent resident?

Yes. Fingerprints must clear and be verified by an immigration officer before one can become a permanent resident.

Does my child who is under 14 years of age have to be fingerprinted or have to be interviewed?

Children under 14 are not required to have their fingerprints taken, and USCIS may waive any interview requirements.

Am I required to attend an interview in order to adjust my status?

Yes, you are required to attend an interview; however, there are exceptions to this rule. USCIS will notify you whether or not an interview is necessary.

Is it possible for the interview to be waived by USCIS?

Yes, it is possible for the interview requirement to be waived by USCIS. Interview waiver criteria are standards set at a national level. If you meet one of the 4 criteria below, USCIS may decide to waive an interview for adjustment of status, if the principal applicant:

- Is employed by the same petitioner who submitted the approved underlying employment-based visa petition.
- Has been approved as an alien of extraordinary ability or alien of exceptional ability and is otherwise eligible for adjustment of status.
- Has been approved as an outstanding professor or researcher, or a multinational executive/manager and has a continuing offer of employment from the same petitioner who submitted the underlying approved petition.
- Is an adjustment applicant who received a national interest waiver based on performing primary medical care to a medically under-served area; applicant must demonstrate intent to continue according to the terms and conditions of the underlying petition.

Please note that the principal applicant is the individual on whose behalf the Immigrant Petition for Alien Worker (I-140) was filed.

What kind of documentary evidence is required at the time of the interview?

You will be sent an interview notice, informing you what to bring to your interview.

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Chapter 3 Employment Authorization and Travel Documents While your Adjustment of Status Application is pending

Frequently Asked Questions

FAQs about the Combined EAD- Advance Parole card

- What is the combined Employment Authorization and Advance Parole card?
- How do I apply for the combined EAD-Advance Parole card?
- How long is the combined EAD-Advance Parole card valid?
- Do I have to request a combined EAD-Advance Parole card when I apply for adjustment of status?
- If I receive a combined card, does that guarantee my re-entry into the U.S. if I travel?
- How much does the combined card cost?
- Will USCIS still issue separate EAD and travel authorization documents?
- What if I already have an EAD or a travel document?
- If I lose or damage my combined card, how do I get another one?

Other FAQs

- Why does my new EAD look different than my prior one?
- What category should I place in Question 16 on the employment authorization application?
- If I have a pending application for adjustment of status, do I need advance parole to reenter the U.S.?
- I have been out of status for a period of more than six months, should I travel outside the U.S. even with an advance parole?
- I am leaving the U.S in 48 hours. Can I request that my application for advance parole be expedited?
- I will be outside of United States when my advance parole expires. Can I apply for a new advance parole prior to expiration of my current advance parole?
- I am in removal proceedings. Can I apply for an advance parole with USCIS?

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What is the Combined Employment Authorization and Advance Parole Card?

As of February 14, 2011 USCIS began issuing employment and travel authorization on a single card for applicants filing Form I-485, Application to Register Permanent Residence or Adjust Status. The card is identical to the current Employment Authorization Document (EAD) but includes text that reads, "Serves as I-512 Advance Parole." The card serves as both employment authorization and a travel document with this endorsement.

Employers may accept a combined EAD with Advance Parole endorsement as a List A document for completion of Form I-9, Employment Eligibility Verification.

How do I apply for the combined EAD-Advance Parole card?

You may receive this card when you file Form I-765, Application for Employment Authorization, and Form I-131, Application for Travel Document, concurrently with or after filing Form I-485, Application to Register Permanent Residence or Adjust Status. You must file the Form I-765 and I-131 at the same time in order to receive a combined EAD-Advance Parole card. Please ensure that you enter your name and address exactly the same on both forms.

How long is the combined EAD-Advance Parole card valid?

The combined travel and employment authorization card will be valid for one year, if the applicant's immigrant visa is currently available. If the immigrant visa is not currently available, then the combined card will be valid for two years.

Do I have to request a combined EAD-Advance Parole card when I apply for adjustment of status?

No. If you submit Form I-765 and I-131 concurrently with your Form I-485, and you are granted both interim benefits, you will receive a combined EAD-Advance Parole card.

You may also request a combined card while your adjustment of status application is pending, if you did not request if at the time you filed your Form I-485. When you make the request, you must submit Form I-765, Form I-131, and the Notice of Action (Form I-797C) for your Form I-485 at the same time. Form I-797C will show that you filed your Form I-485 on or after July 30, 2007. If you filed Form I-485 before July 30, 2007 (or before August 18, 2007 for employment-based cases), you may also request a combined card; however, Forms I-765 and I-131 must be filed with the correct filing fees.

If I receive a combined card, does that guarantee my re-entry into the U.S. if I travel?

As with the current advance parole document, obtaining a combined card allows an adjustment applicant to travel abroad and return to the U.S. without abandoning the pending adjustment of status application. Upon returning to the U.S., you must present the card to request parole through the port-of-entry. The parole decision is made at the port-of-entry. If you have been unlawfully present in the U.S., and subsequently depart and seek re-entry through a grant of parole, you may be inadmissible and ineligible to adjust your status.

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How much does the combined card cost?

If you submitted an application for adjustment of status on or after July 30, 2007 (or on or after August 18, 2007, for employment-based cases), you will pay only one fee to file Form I-485, Form I-765, and Form I-131. The fee for Form I-485 is $1,070, and there is no separate fee for Forms I-765 and I-131 associated with a Form I-485. For those cases that were filed under the old fee structure, the costs for the combined card will equal the combined costs of filing Form I-765 and I-131, which is a total of $740.

Will USCIS still issue separate EAD and travel authorization documents?

Yes. USCIS will continue to issue separate EAD and Advance Parole documents for many situations. For example, you will receive an EAD without permission to travel if you do not request advance parole or if your Form I-765 is approved but your Form I-131 is denied.

What if I already have an EAD or a travel document?

If you travel document and EAD card have different expiration dates, it may not benefit you to apply for a combined card, unless both documents are about to expire or the EAD is about to expire and the Advance Parole document is for a single entry only. If you decide to apply for a combined card by filing Forms I-765 and I-131 simultaneously, do not apply more than 120 days before your current EAD expires.

If I lose or damage my combined card, how do I get another one?

You must file Forms I-765 and I-131, concurrently, with the appropriate fees. Although applicants who file under the current fee structure obtain their first card at no cost, they are required to pay the current fees for any card that is lost or damaged.

Why does my new EAD look different than my prior one?

USCIS has enhanced the EAD with new security features to reduce fraud. This is part of USCIS's ongoing efforts to improve the integrity of the immigration process. USCIS will replace EADs already in circulation with the new security enhanced EADs as individuals apply for the renewal or replacement of their current EAD.

What category should I place in Question 16 on employment authorization application?

When filing a Form I-765 in conjunction with a Form I-485, you would usually put (c)(9) in the appropriate brackets for question #16 on the employment authorization application.

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If I have a pending application for adjustment of status, can I travel outside the U.S. and re-enter?

Generally speaking, if you have a pending adjustment of status case you do need an advance parole to reenter the United States after travel abroad. Otherwise, your adjustment of status case can be denied based on abandonment.

Please note: **If you are in lawful H-1, L-1, K-3, K-4 or V nonimmigrant status, you are not required to obtain an advance parole, and your application for permanent resident status will not be considered as having been abandoned if you depart.**

Note to Representative: For additional information about traveling under one of the nonimmigrant categories noted above, please refer to that specific status within Volume 4.4.1, *Nonimmigrant Services*.

I have been out of status for a period of more than six months, should I travel outside the U.S. even with advance parole?

Travel outside the U.S. may have severe consequences if you are in the process of adjusting your status. You may be unable to return to the U.S., and your application may be denied, or both. If you have been unlawfully present in the U.S. for certain periods of time, you can be barred from admission to lawful permanent resident status, even if you have obtained advance parole. If you have been unlawfully present in the U.S. for more than 180 days, but less than one year, you are inadmissible to reenter for three years; if you have been unlawfully present in the U.S. for a year or more, you are inadmissible to reenter for ten years. Even if you are able to reenter under a grant of parole, you may still be ineligible to adjust your status to that of permanent resident. USCIS urges those with pending applications for adjustment of status to consult with an immigration attorney or an immigration assistance organization accredited by the Board of Immigration Appeals before traveling abroad.

I am leaving the U.S in 48 hours. Can I request that my application for advance parole be expedited?

You may contact the local USCIS office that has jurisdiction over your application by making an appointment through InfoPass, and you will be assisted accordingly.

I will be outside of United States when my advance parole expires. Can I apply for a new advance parole prior to expiration of my current advance parole?

Yes, you may apply, but you will be issued a single entry I-512 for parole into the United States.

I am in removal proceedings. Can I apply for an advance parole with USCIS?

No, you may not apply with USCIS. USCIS does not issue an advance parole document to an applicant if the applicant is in exclusion, deportation, removal or recession proceedings.

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What information are you interested in obtaining? (Please choose an option below)

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Chapter 1 Overview of Employment Authorization in the United States

OVERVIEW

Before any person can be employed in the U.S., he/she must prove to an employer that he/she can legally work here. U.S. citizens, permanent residents and others granted long-term status prove this by showing an unrestricted Social Security card, U.S birth certificate, a US passport, naturalization certificate, permanent resident card, employment authorization card and/or Form I-94 which can be accessed at www.cbp.gov/I94. .

A person who is not eligible to work can apply for a special Social Security card that is not valid for work in the U.S. but may be used to open a bank account. For information about how to apply for a Social Security card, call the Social Security Administration at 1-800-772-1213.

In order to be legally employed in the United States, employees are required to present documentation to an employer to show evidence of their authorization to work.

- **U.S. citizens** can meet this requirement by showing proof of their United States citizenship and a valid identity document.
- **Permanent Residents** can meet this requirement by showing their permanent resident card.
- Refugees can meet this requirement by showing their Form I-94 that has a red stamp indicating employment is authorized
- Asylees (persons granted asylum in the U.S.) can meet this requirement by presenting an unrestricted Social Security card, employment authorization card and/or I-94 that has a red stamp indicating employment is authorized
- Certain nonimmigrant visa holders who are eligible to work based upon employment with a specific employer can show their Form I-94 Arrival and Departure record with their nonimmigrant visa, which will indicate the name of the employer with whom they are authorized to be employed. A copy of your Form I-94 can be accessed at www.cbp.gov/I94.

Most other customers will need to obtain an employment authorization document (EAD).

Note to Representative: E- filing may also be available for certain categories on the I-765. Please refer to Volume 3, Getting Ready to file, if the caller has questions about E-filing.

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Chapter 2 Verification of Employment Eligibility by an Employer on Form I-9

OVERVIEW

Immigration law requires employers to verify that employees are eligible to be lawfully employed in the U.S. Each employer and employee must complete certain portions of Form I-9, Employment Verification, upon hiring or, in certain instances, when employment eligibility is being re-verified.

USCIS may issue notices which state "Employment Authorized" or "Employment Authorized Pursuant to Status." In these instances, even if you are authorized to be employed, you must still obtain some form of acceptable documentation specifically outlined in regulation and law before the employer can legally hire you.

The easiest way to remember the differences is:

1. ***Employees*** obtain and must show evidence of employment authorization and identity.
2. ***Employers*** must verify that the employee is who he/she claims to be and that he/she is authorized to be employed.

Before the hiring process is completed, the employer must receive legal document(s) from the employee showing that he/she is authorized to work in the U.S.

See "Employee Responsibilities When Completing the Form I-9" for a list of acceptable documents.

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Chapter 3 Your Responsibilities as an Employee When Completing the Form I-9

OVERVIEW

The purpose of having U.S. employers complete Form I-9 on each and every new employee is to verify the employees' status to legally work in the United States. Completing and maintaining I-9 records demonstrates that an employer is complying with the U.S. immigration laws

Filling Out and Completing the I-9

- Who needs to complete an I-9?
- Who is responsible for completing the different sections of the I-9?
- When should Section 1 be completed?
    - List A - Acceptable Documentation
    - List B - Acceptable Documentation
    - List C - Acceptable Documentation
- Can the I-9 be filled out before a job is offered?
- Can my employer tell me what documents I must bring for verification?
- Can photocopies be accepted?
- Is a receipt showing that the employee has filed for a new employment authorization document acceptable as evidence of continuing eligibility for employment?
- Are there any special exceptions for people in a certain status?

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Filling Out and Completing the I-9

Who needs to complete an I-9?

Every newly hired employee at a company must complete the Form I-9, including citizens and nationals of the United States. Both the employer and the employee are responsible for completing the Form I-9.

Who is responsible for completing the different sections of the I-9?

The employee is obligated to complete Section One.

The employer is obligated to complete Section Two and Section Three.

When should Section 1 be completed?

Section One of the I-9 must be completed and signed by every newly hired employee on or before the date of hire. The employee must attest that he/she is a United States citizen, lawful permanent resident or is otherwise authorized to work for the employer.

The employer must ask each employee to provide documents that prove both his/her identity and his/her eligibility to work. There are 3 lists on the back of the Form I-9 which describe what is acceptable documentation:

List A
Describes documentation that proves BOTH identity and eligibility to be employed.

List B
Describes acceptable documentation to establish ONLY identity.

List C
Describes acceptable documentation to establish ONLY eligibility to be employed.

Note to Representative: Other documents that are acceptable, but not indicated on the Form I-9 are:

Form I-94 for refugees to establish initial employment eligibility
Form I-94 issued to asylees with "employment authorized" indicated on the reverse side for employment eligibility only.

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LIST A: Acceptable Documentation

The following documents are acceptable as evidence for both identity and employment eligibility:

- A U.S. passport or U.S. Passport Card;
- Permanent Resident Card or Alien Registration Receipt Card (Form I-551);
- Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa;
- Employment Authorization Document that contains a photograph (Form I-766);
- In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I-94 (you can obtain a copy of your I-94 at www.cbp.gov/I94) or Form I-94A bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form.
- Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the U.S. and the FSM or RMI.

Note to Representative: Citizens of the Republic of Palau must possess a valid employment authorization document before working in the United States. (The legislation approving the changes to the CFA with the FSM and RMI authorized changes for those nations only, not Palau).

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LIST B: Acceptable Documentation

The following documents are acceptable to establish identity only:

(1) For individuals 16 years of age or older:

- Driver's license or ID card issued by a State or outlying possession of the U.S.
- ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address;
- School ID card with a photograph;
- Voter's registration card;
- U.S. military card or draft record;
- Military dependent's ID card;
- U.S. Coast Guard Merchant Mariner Card;
- Native American tribal document; or
- Driver's license issued by a Canadian government authority.

(2) For individuals under age 18 who are unable to produce a document listed in paragraph (1) above, the following documents are acceptable to establish identity only:

- School record or report card;
- Clinic doctor or hospital record;
- Daycare or nursery school record.

(3) Minors under the age of 18 who are unable to produce one of the identity documents listed in paragraph (1) or (2) above are exempt from producing one of the enumerated identity documents if:

- The minor's parent or legal guardian completes on the Form I-9 Section 1--"Employee Information and Verification."
- In the space for the minor's signature, the parent or legal guardian writes the words "minor under age 18."
- The minor's parent or legal guardian completes on the Form I-9 the "Preparer/Translator certification."
- The employer or the recruiter or referrer for a fee writes in Section 2--"Employer Review and Verification" under List B in the space after the words "Document Identification #" the words "minor under age 18."

(4) Individuals with disability, who are unable to produce one of the identity documents listed in paragraph (1) or (2) above, and who are being placed into employment by a nonprofit organization, association or as part of a rehabilitation program, may follow the procedures for establishing identity provided in this section for minors under the age of 18. Where appropriate, they may substitute the term "special placement" for "minor under age 18" and, in addition to a parent or legal guardian, may permit a representative from the nonprofit organization, association or rehabilitation program placing the individual into a position of employment to fill out and sign the appropriate section of the Form I-9. For purposes of this section, the term individual with disability means any person who:

- Has a physical or mental impairment which substantially limits one or more of such person's major life activities;
- Has a record of such impairment, or;
- Is regarded as having such impairment.

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LIST C: Acceptable Documentation

The following are acceptable documents to establish employment authorization only:

- Social Security Account Number card other than one that specifies on the face that the issuance of the card does not authorize employment in the U.S.;
- Certification of Birth Abroad issued by the Department of State (Form FS-545);
- Certification of Report of Birth issued by the Department of State (Form DS-1350);
- Original or certified copy of a birth certificate issued by a State, county, municipal authority, or territory of the U.S. bearing an official seal;
- Native American tribal document;
- U.S. Citizen ID Card (Form I-197);
- Identification Card for Use of Resident Citizen in the U.S. (Form I-179); or
- Employment authorization document issued by the Department of Homeland Security.

Note to Representative: To establish initial employment eligibility, a refugee may use Form I-94. Then, within 90 days of being hired, the refugee must present either: an unexpired Form I-766 or a Social Security card that does not display any employment restrictions. The refugee must also present a document which establishes the individual's identity. If an individual has been granted asylum, the individual must present a Form I-94 which indicates that the bearer has been granted asylum status. An asylee should also present a Social Security card, which does not display any employment restrictions, within 90 days of being hired.

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Can the I-9 be filled out before a job is offered?

An individual cannot complete a Form I-9 for an employer until after they have accepted the position.

Can my employer tell me what documents I must bring for verification?

An employer cannot tell someone what documents to bring, but they can point out the list of acceptable documents shown on the back of the Form I-9.

It is only when an employee presents documents not appearing on the list that the employer may ask for additional proof of identity and/or employment authorization.

Note to Representative: A citizen and a non-citizen must be treated identically when completing the Form I-9.

Can photocopies of documents be accepted?

No, photocopies of documents cannot be accepted for I-9 purposes. Employees must present original documents.

Note to Representative: The only exception is that a newly hired employee may present a certified copy of a birth certificate.

Is a receipt showing that the employee has filed for a new employment authorization document acceptable as evidence of continuing eligibility for employment?

The employer may not accept a receipt showing that the employee has filed for an extension or an initial document.

Receipts for applications for employment authorization can only be accepted as evidence of continuing eligibility to be employed in cases where the original document has been lost, stolen, or mutilated. In these cases, the previous document must still have been otherwise valid (still would have been within the validity period previously granted if not lost, stolen, etc.) and the employee must provide the valid replacement document within 90 days.

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Are there any special exceptions for people in a certain status?

The only exception of the requirement to provide one of the documents listed in list A, or one from both Lists B and C, is for the initial hiring of an applicant in refugee status.

(THE FOLLOWING DOES NOT RELATE TO ASYLEES; THIS EXCEPTION IS FOR REFUGEES ONLY)

An individual granted refugee status will be issued a Form I-94 indicating refugee status. The employer can use this to verify employment and identity as long as the employee presents:

- The departure portion of Form I-94 containing an unexpired refugee admission stamp, which is designated for purposes of this section as a receipt for the Form I-766, or
- A Social Security card that contains no employment restrictions,

And within 90 days of the hire or, in the case of verification, the date employment authorization expires, presents either

- An unexpired Form I-766, or
- A Social Security card that contains no employment restrictions and a document described under list (B).

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Chapter 4 Filing an Application for Employment Authorization

OVERVIEW

To apply for an employment authorization document, the customer begins the process by filing a Form I-765, Application for Employment Authorization. Form I-765 can only be filed by certain customers. Employment authorization is granted based upon a person's immigration status in the U.S.

FAQs about the Combined EAD- Advance Parole card for those with a pending adjustment of status application

- What is the combined Employment Authorization and Advance Parole card?
- How do I apply for the combined EAD-Advance Parole card?
- How long is the combined EAD-Advance Parole card valid?
- Do I have to request a combined EAD-Advance Parole card when I apply for adjustment of status?
- If I receive a combined card, does that guarantee my re-entry into the U.S. if I travel?
- How much does the combined card cost?
- Will USCIS still issue separate EAD and travel authorization documents?
- What if I already have an EAD or a travel document?
- If I lose or damage my combined card, how do I get another one?

FAQs about Employment Authorization Document (EAD) (For those who do not have a pending adjustment of status application)

Back to: Employment Authorization Main Menu

FAQs about Employment Authorization Document (EAD)

- What is an Employment Authorization Document (EAD)?
- Why does my new Employment Authorization Document (EAD) look different than my prior one?
- How do I know if I can get an Employment Authorization Document (EAD)?
- How do I apply for or renew an Employment Authorization Document (EAD)?
- When should I file for a renewal of my Employment Authorization Document (EAD)?
- Under the "I am applying for" area of the Form, there are three different blocks. Which one should I check?
- For question 16, how do I know for which category I should apply?
- Do I have to submit photos with the Form I-765?
- Do I need to submit a signature card with my I-765 application?
- How long does USCIS have to make a decision on my Application for Employment Authorization?
- When am I eligible to get an Interim Employment Authorization Document (EAD)?
- My I-765 was approved but I have not received my Employment Authorization Document (EAD). Can I get temporary evidence of employment authorization?
- Can I get a Social Security card after I get my Employment Authorization Document (EAD)?
- What if my Employment Authorization Document (EAD) has incorrect information on it when I receive it?
- Who is eligible for an Employment Authorization Document (EAD) that is valid for two years?
- When will applicants expect to receive the new two-year Employment Authorization Document (EAD)?
- Will applicants get a two-year Employment Authorization Document (EAD) when they file an I-765 with their I-485 adjustment of status application?
- How will USCIS decide whether to issue an Employment Authorization Document (EAD) valid for one or two years?
- If I am filing for a replacement Employment Authorization Document (EAD), how long is the EAD valid?
- Why is USCIS changing the validity period for some Employment Authorization Document (EAD)?
- When I file Form I-765, how long will it take to receive a decision?
- Will the new Employment Authorization Document (EAD) affect my current valid EAD card?
- Why USCIS redesigned the Employment card?

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What is the Combined Employment Authorization and Advance Parole Card?

Effective February 14, 2011 USCIS will begin issuing employment and travel authorization on a single card for applicants filing Form I-485, Application to Register Permanent Residence or Adjust Status. The card is identical to the current Employment Authorization Document (EAD) but will include text that reads, "Serves as I-512 Advance Parole." The new card will serve as both employment authorization and a travel document with this endorsement.

Employers may accept a combined EAD with Advance Parole endorsement as a List A document for completion of Form I-9, Employment Eligibility Verification.

How do I apply for the combined EAD-Advance Parole card?

You may receive this card when you file Form I-765, Application for Employment Authorization, and Form I-131, Application for Travel Document, concurrently with or after filing Form I-485, Application to Register Permanent Residence or Adjust Status. You must file the Form I-765 and I-131 at the same time in order to receive a combined EAD-Advance Parole card. Please ensure that you enter your name and address exactly the same on both forms.

How long is the combined EAD-Advance Parole card valid?

The combined travel and employment authorization card will be valid for one year, if the applicant's immigrant visa is currently available. If the immigrant visa is not currently available, then the combined card will be valid for two years.

Do I have to request a combined EAD-Advance Parole card when I apply for adjustment of status?

No. If you submit Form I-765 and I-131 concurrently with your Form I-485, and you are granted both interim benefits, you will receive a combined EAD-Advance Parole card.

You may also request a combined card while your adjustment of status application is pending, if you did not request if at the time you filed your Form I-485. When you make the request, you must submit Form I-765, Form I-131, and the Notice of Action (Form I-797C) for your Form I-485 at the same time. Form I-797C will show that you filed your Form I-485 on or after July 30, 2007. If you filed Form I-485 before July 30, 2007 (or before August 18, 2007 for employment-based cases), you may also request a combined card; however, Forms I-765 and I-131 must be filed with the correct filing fees.

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If I receive a combined card, does that guarantee my re-entry into the U.S. if I travel?

As with the current advance parole document, obtaining a combined card allows an adjustment applicant to travel abroad and return to the U.S. without abandoning the pending adjustment of status application. Upon returning to the U.S., you must present the card to request parole through the port-of-entry. The parole decision is made at the port-of-entry. If you have been unlawfully present in the U.S., and subsequently depart and seek re-entry through a grant of parole, you may be inadmissible and ineligible to adjust your status.

How much does the combined card cost?

If you submitted an application for adjustment of status on or after July 30, 2007 (or on or after August 18, 2007, for employment-based cases), you will pay only one fee to file Form I-485, Form I-765, and Form I-131. The fee for Form I-485 is $1,070, and there is no separate fee for Forms I-765 and I-131 associated with a Form I-485. For those cases that were filed under the old fee structure, the costs for the combined card will equal the combined costs of filing Form I-765 and I-131, which is a total of $740.

Will USCIS still issue separate EAD and travel authorization documents?

Yes. USCIS will continue to issue separate EAD and Advance Parole documents for many situations. For example, you will receive an EAD without permission to travel if you do not request advance parole or if your Form I-765 is approved but your Form I-131 is denied.

What if I already have an EAD or a travel document?

If your travel document and EAD card have different expiration dates, it may not benefit you to apply for a combined card, unless both documents are about to expire or the EAD is about to expire and the Advance Parole document is for a single entry only. If you decide to apply for a combined card by filing Forms I-765 and I-131 simultaneously, do not apply more than 120 days before your current EAD expires.

If I lose or damage my combined card, how do I get another one?

You must file Forms I-765 and I-131, concurrently, with the appropriate fees. Although applicants who file under the current fee structure obtain their first card at no cost, they are required to pay the current fees for any card that is lost or damaged.

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What is an Employment Authorization Document (EAD)?

Certain aliens who are temporarily in the United States may file a Form I-765, Application for Employment Authorization, to request an EAD, which authorizes them to work legally in the U.S. during the time the EAD is valid.

Why does my new Employment Authorization Document (EAD) look different than my prior one?

USCIS has enhanced the EAD with new security features to reduce fraud. This is part of USCIS's ongoing efforts to improve the integrity of the immigration process. USCIS will replace EADs already in circulation with the new security enhanced EADs as individuals apply for the renewal or replacement of their current EAD.

How do I know if I can get an Employment Authorization Document (EAD)?

Whether you can obtain, or even if you need, an EAD depends upon what status you have in the United States or, many times, if you have filed or are filing for certain other benefits.

- If you are in, or want to be in, a valid nonimmigrant category, including a NATO category, please refer to *Volume 4.4.1, Nonimmigrant Services.*
- If you are an asylee or refugee, please refer to *Volume 4.4.2, Services for Asylees and Refugees*.
- If you have, or are filing for, Temporary Protected Status (TPS), please refer to *Volume 4.4.3.4, TPS*.
- If you are filing a Form I-485, Application for Permanent Resident Status, you can apply for employment authorization at the same time you file your I-485 or at any time while your I-485 is pending.
- If you are filing, or have filed for political asylum on Form I-589, please refer to *Volume 4.4.2, Services for Asylees and Refugees*.
- You may also be able to apply for employment authorization if:
  - You have been granted deferred action by USCIS or ICE,
  - You have been granted voluntary return under the Family Unity program, or
  - You are under an order of supervision issued after receiving a final order of deportation or removal from an immigration court.

How do I apply for or renew an Employment Authorization Document (EAD)?

To apply for or renew an Employment Authorization Document, use USCIS Form I-765, which can be obtained by downloading it from the USCIS website.

Note to Representative: E- filing may also be available on certain categories on the I-765. Please refer to Volume 3, Getting Ready to File, if the caller has questions about e-filing.

Note to Representative: If the customer is calling about employment authorization under the Family Unity Program, employment authorization can be obtained and extended by filing Form I-817, Application for Family Unity Benefits. It is not necessary to file a Form I-765. Please advise the customer to read the instructions to Form I-817 carefully.

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When should I file for a renewal of my Employment Authorization Card (EAD)?

You should not file more than 120 days before the expiration date shown on your current employment authorization document; however, you should file 90 days before the expiration date.

Under the "I am applying for" area of the form, there are three different blocks. Which one should I check?

- Initial EAD (this is your first application under a specific category),
- A Renewal EAD (an extension of previously granted employment authorization), or
- A Replacement EAD (to replace a lost, mutilated, or destroyed EAD, or to update information, such as a name change on the EAD),

Initial EAD

An application for an initial EAD is one in which the applicant is filing for an EAD under a specific category for the first time. For example, if the applicant previously had an EAD under the Form I-765(c)(8) category and is now filing under the (a)(5) category, the application is considered an initial application because it is the first one filed under the new category (a)(5), even though they had been issued a previous card under a different category. Each applicant who is required to have an EAD must have it in their possession before they can begin working.

Renewal EAD

An application for a renewal EAD is one in which the applicant is filing for an extension of his/her EAD under the same category as he or she previously had. Except for applicants in refugee or asylee status, each person must have a valid card in their possession to be eligible to continue working. Therefore, it is important to stress that renewal EADs should be filed at least 90 days before the expiration of the old EAD in order to avoid lapses in employment.

Replacement EAD

An application for a replacement EAD is filed if a card has been lost, stolen, or mutilated, or when the previously issued card contains erroneous information, such as a misspelled name or name change. If an application for a replacement EAD is approved, the replacement EAD will have the same dates and category as the EAD that was lost, stolen, etc.

Persons applying for replacement documents can present the receipt for the I-765 as evidence of employment eligibility but must produce a valid card within 90 days of showing the receipt.

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For question 16, how do I know for which category I should apply?

- If you are filing for Consideration of Deferred Action for Childhood Arrivals, file under category (c)(33)
- If you are an asylee, file under category (a)(5)
- If you are a refugee, file under category (a)(3)
- If you were paroled as a refugee, file under category (a)(4)
- If you were paroled in the public interest, file under category (c)(11)
- If you are filing for Temporary Protected Status (TPS), file under category (c)(19)
- If you have been granted TPS, file under category (a)(12)
- If you are filing a Form I-485, Application for Permanent Resident Status, file your I-765 under category (c)(9)
- If you are filing, or have filed for political asylum on Form I-589, please refer to Volume 4.4.3.5, Special Programs and Services before filing. If it appears you can file for employment authorization, file under category (c)(8)
- You may also be able to apply for employment authorization if:
    - You have been granted deferred action by USCIS or ICE, file under category (c)(14)
    - You have been granted voluntary return under the LIFE Act Family Unity program, file under category (a)(14)
    - You are under an order of supervision issued after receiving a final order of deportation or removal from an immigration court, file under category (c)(18)
    - You have been granted withholding of deportation by an Immigration Court, file under category (a)(10)
- Beginning May 26, 2015, H-4 spouses of certain H1B nonimmigrant's who are seeking employment-based lawful permanent resident status are eligible to apply for work authorization (**Note to Representative:** For more information see Volume 4.4.1: As an H1B, can my family come with me? Can they work or go to school?)
    - File under category (c)(9) if you are filing a Form I-485, Application for Permanent Resident Status, with the Form I-765, or if you have already filed the Form I-765;
    - File under category (c)(26) if your H-1B spouse is the beneficiary of:
        - An approved Form I-140; OR
        - Form I-140 that was filed 365 days prior to the end of the H-1B's sixth year and Form I-140 is still pending; OR
        - A labor certification application filed with the Department of Labor 365 days prior to the end of the H-1B's sixth year and the labor certification application is either still pending or was approved and timely filed with Form I-140;

For these and other categories, please follow the instructions to Form I-765.

Note to Representative: E- filing may also be available on certain categories on the I-765. Please refer to Volume 3, Getting Ready to File, if the caller has questions about e-filing.

Do I have to submit photos with the Form I-765?

Yes, you must submit two standard passport-style photos. The photos must have been taken no earlier than 30 days prior to the date you file the I-765. Please see the Form I-765 for the required specifications for the photos.

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Do I need to submit a "signature card," I-765A, with my I-765 application?

No, the signature card is no longer required as part of the filing process.

How long does USCIS have to make a decision on my Application for Employment Authorization?

The required times in which USCIS must make a decision on an I-765 are:

- Ninety (90) days of receipt of applications filed under categories other than asylum-based, or
- Thirty (30) days if filing based upon a pending asylum case and filing for an initial EAD.

One exception to this rule is if USCIS requires additional evidence. The processing time limit is extended by the amount of time it takes for you to receive the request for evidence and respond to it. Also, the processing time is extended when a request for evidence is issued for any Form filed concurrently with the I-765.

If USCIS has to send out a Request for Evidence, the processing "clock" stops. The maximum allowed time to submit evidence is 12-weeks.
Once USCIS receives your response, the processing "clock" starts up again.

When am I eligible for an Interim Employment Authorization Document (EAD)?

If USCIS does not make a decision on your I-765 within 90 days, (30 days for Asylum applicants), you may request an Interim EAD. The interim EAD can be granted for a period **up to** 240 days.

Note to Representative: If the time frame for a decision on the I-765 has expired, please see Volume 2, Pending Services.

My I-765 was approved, but I have not received my Employment Authorization Document (EAD). Can I get temporary evidence of employment authorization?

Customers who have an approved (or denied) I-765 are not eligible for an interim EAD.

Note to Representative: Customers whose I-765 was approved at a Service Center, but who have not received the EAD 30 days or more from the date of approval, may be eligible for a Non-Delivery of Employment Authorization Document service request referral to the Service Center (see Volume 1 for Approved cases but non-delivery of a document). Do NOT advise a customer whose I-765 has been approved or denied to go to the local office for any purpose in regards to that I-765 or EAD.

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Can I get a Social Security card after I get my Employment Authorization Document (EAD)?

In most cases, you can apply for a Social Security card after you receive an employment authorization document. You will need another type of officially issued photo identification, a passport, I-94 bearing a stamp of refugee or asylee status and/ or driver's license.

For more information about how to apply for a Social Security card, please call the Social Security Administration at 1-800-772-1213.

What if my Employment Authorization Document (EAD) has incorrect information on it when I receive it?

SEE VOLUME 1.

Who is eligible for an Employment Authorization Document (EAD) that is valid for two years?

The two-year EAD is only available to pending adjustment applicants who are currently unable to adjust status because an immigrant visa number is not currently available. In order to be eligible for an EAD with a two year validity period, an applicant's I-140, Immigrant Petition for Alien Worker, must be approved.

When will applicants expect to receive the new two-year Employment Authorization Document (EAD)?

Applicants filing Form I-765 began receiving their two-year EAD after June 30, 2008.

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Will applicants get a two-year Employment Authorization Document (EAD) when they file an I-765 with their I-485 adjustment of status application?

Generally, no. Initial EAD filings will generally receive an EAD that is valid for one year because they are usually submitted with the Form I-485 which can only be filed when there is an immigrant visa number immediately available to the individual. Applicants are only eligible for a two-year EAD if their immigrant visa availability date retrogresses (i.e., when actual demand for visa numbers exceeds forecasted supply) after the Form I-485 is filed. If an immigrant visa number is available, USCIS will grant the one-year EAD.

How will USCIS decide whether to issue an Employment Authorization Document (EAD) valid for one or two years?

USCIS will decide whether to renew an EAD for either a one or two-year validity period based on the most recent Department of State Visa Bulletin. If an applicant's visa number has retrogressed and is unavailable, USCIS may issue a renewal EAD valid for two years. USCIS will continue to issue the EAD in one-year increments when the Department of State Visa Bulletin shows an employment-based preference category is current as a whole or the applicant's priority date is current.

If I am filing for a replacement Employment Authorization Document (EAD), how long is the EAD valid?

If an individual requests to replace an EAD that has not expired, USCIS will issue a replacement EAD that is valid through the same date as the previously issued EAD. However, if the previous EAD has expired, USCIS will process the request for a renewal EAD and determine the appropriate validity period based on the Department of State Visa Bulletin and the applicant's priority date.

Why is USCIS changing the validity period for some Employment Authorization Documents (EADs)?

USCIS views this change as a way to better serve its customer base, and in particular, persons who are waiting to become lawful permanent residents and are impacted by the lack of immigrant visa numbers.

When I file Form I-765, how long will it take to receive a decision?

You should receive a decision within 90 days (30 days for Asylum applicants) from the receipt date on your Form I-765. In some cases, an EOIR- granted asylee will receive an EAD card valid for 2 years by mail within 7 to 10 days from the day the biometrics information is received.

Note to Representative: If the customer has not received a decision and over 75 days (25 days for Asylum applicants) has passed, please see Volume 2, Pending Services.

Will the new Employment Authorization Document (EAD) affect my current valid EAD card?

No, it does not affect your current valid EAD card and you do need to file for a new card before your current card expires.

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Why USCIS redesigned the Employment card?

The new features of the EAD will better equip workers, employers and law enforcement officials to recognize the card as definitive proof of authorization to work in the United States.

For more information about the new EAD card, please visit www.uscis.gov and the resource can be found under USCIS Fact Sheets

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Chapter 1 Specific Information for a country designated as TPS/DED

Note to Representative: For country specific information, please verify the customer's country of interest and click on the appropriate link:

El Salvador

Guinea

Haiti

Honduras

Liberia

Nepal

Nicaragua

Sierra Leone

Somalia

South Sudan

Sudan

Syria

Yemen

None of these Options

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El Salvador

OVERVIEW

El Salvador was designated for Temporary Protected Status (TPS) on March 9, 2001, for a period of 18 months, due to severe earthquakes that struck the area. As a result, living conditions were deemed unsafe for nationals of El Salvador in the United States to be required to return their homeland. TPS has been extended several times. The latest extension will last through September 9, 2016.

What is the initial registration period for El Salvador?

What are the dates for the continuous residency and continuous physically presence in the United States for El Salvador?

What are the eligibility requirements for re-registration for El Salvador?

Where do I apply for TPS for El Salvador?

Will I get an automatic extension of my Employment Authorization for El Salvador?

Do I qualify for late initial registration for El Salvador?

EAD extension dates and a synopsis of benefits for countries that are currently designated under the TPS Program

Note to Representative: If the customer has general questions about TPS/DED, click on the following link for General Information about TPS/DED

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What is the initial registration period for El Salvador?

El Salvador's initial registration was from **March 9, 2001 through September 9, 2002**. The initial registration period has already passed for El Salvador; however, you may qualify for late initial registration.

What are the dates for the continuous residency and continuous physically presence in the United States for El Salvador?

Nationals from El Salvador must have continuously resided in the U.S. since February 13, 2001 and been continuously physically present in the U.S. since March 9, 2001. There is an exception for certain brief, casual and innocent absences from the United States, but you will need to demonstrate that your departure meets the regulatory requirements for such departures in order to fall under the exception.

Criteria for the "brief, casual and innocent absence" exception to the "continuous residence" and "continuous physical presence" requirements for TPS

What are the eligibility requirements for re-registration for El Salvador?

You Must:

Have Continuously Resided in United States since...	Have been Continuously Physically Present in the United States since...	Have Applied and been approved for TPS...	Apply to Re-Register...
February 13, 2001	March 9, 2001	During the initial registration period or as a late initial registrant, and have been approved during each subsequent re-registration period.	Between January 7, 2015 through March 9, 2015.

How do I apply to re-register?

Can I re-register late?

More information about the various ASC Biometric Notices

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Where do I apply for TPS for El Salvador?

Mail you applications for TPS (Form I-821) and Employment Authorization (Form I-765) to the following applicable address:

If...	Send by U.S. Postal Service to:	Or send by Non-U.S. Postal Delivery Service
You are applying for re-registration and you live in the following states: Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, Washington DC, West Virginia	USCIS Attn: TPS El Salvador P.O. Box 8635 Chicago, IL 60680	USCIS Attn: TPS El Salvador 131 S. Dearborn—3rd Floor Chicago, IL 60603
You are applying for re-registration and you live in the following states/territories: Alabama, Alaska, American Samoa, Arkansas, Colorado, Guan, Hawaii, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, New York, North Dakota, Northern Mariana Islands, Oklahoma, Puerto Rico, South Dakota, Tennessee, Texas, Utah, Virgin Islands, Wisconsin, Wyoming	USCIS Attn: TPS El Salvador P.O. Box 660864 Dallas, TX 75266.	USCIS Attn: TPS El Salvador 2501 S. State Highway, 121 Business Suite 400 Lewisville, TX 75067.
You are applying for re-registration and you live in the following states: Arizona, California, Nevada, Oregon, Washington	USCIS Attn: TPS El Salvador P.O. Box 21800 Phoenix, AZ 85036.	USCIS Attn: TPS El Salvador 1820 E. Skyharbor Circle S, Suite 100 Phoenix, AZ 85034.
You are applying for the first time as a late initial registrant (all states/territories).	USCIS Attn: TPS El Salvador P.O. Box 8635 Chicago, IL 60680	USCIS Attn: TPS El Salvador 131 S. Dearborn—3rd Floor Chicago, IL 60603

Answer continues on next page

Applicants applying for an extension of Temporary Protected Status under the current re-registration should submit the Form I-821 and Form I-765 in the same envelope. Applicants that submit the applications in separate envelopes may experience a significant processing delay or rejection.

Grant of TPS by an Immigration Judge or by the Board of Immigration Appeals:
If you were granted TPS by an Immigration Judge (IJ) or the Board of Immigration Appeals (BIA), and you wish to request an EAD or are re-registering for the first time following a grant of TPS by the IJ or BIA, please mail your application to the appropriate address based on the state/territory where you live. Upon receiving a Receipt Notice from USCIS, please send an e-mail to TPSijgrant.vsc@uscis.dhs.gov with the receipt number and state that you submitted a re-registration and/or request for an EAD based on an IJ/BIA grant of TPS. You can find detailed information on what further information you need to e-mail and the e-mail addresses on the USCIS TPS Web page at www.uscis.gov/tps.

Note to Representative: The email addresses provided above are solely for applicants to notify USCIS of their grant of TPS by the BIA or IJ. They are not for individual case status inquiries.

E-Filing:
If you are re-registering for TPS during the re-registration period and you do not need to submit any supporting documentation or evidence, you are eligible to file your applications electronically. For more information on e-filing, please visit the USCIS website at http://www.uscis.gov/e-filing.

For further information about TPS, please visit our Web page at www.uscis.gov/tps.

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Will I get an automatic extension of my Employment Authorization for El Salvador?

DHS automatically extended the validity of current Employment Authorization Documents (EADs) issued under the TPS designation for El Salvador for six months, through September 9, 2015. This automatic extension allows sufficient time for TPS beneficiaries to apply for and receive their new EADs without any lapse in employment authorization. The new EADs will have an expiration date of September 9, 2016.

To continue working legally, you may show the following documentation to your employer and government agencies:

- Your TPS-related EAD with a March 9, 2015, expiration date,
- A copy of the *Federal Register* notice.

Your employer may rely on the Federal Register notice as evidence of the continuing validity of your EAD. Go to the "Documentation Employers May Accept and Temporary Protected Status Beneficiaries May Present as Evidence of Employment Eligibility" page for more information. To access this link and more information about TPS, please visit our webpage at www.uscis.gov/tps and select your country of interest from the list.

In late September 2015, USCIS had approximately 6,000 El Salvador TPS renewal cases pending adjudication, meaning these re-registrants have not received a new EAD to replace the one that expired on Sept. 9, 2015. On Oct. 5, USCIS began the process to issue interim EADs with a 180-day validity period to TPS El Salvador re-registrants whose cases are pending adjudication. USCIS expects to adjudicate these cases and issue final EADs to eligible beneficiaries by the end of December. The final EAD will have an expiration date of Sept. 9, 2016.

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Do I qualify for late initial registration for El Salvador?

Are you a national of El Salvador, or a person without nationality who last habitually resided in El Salvador?

Yes

No

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Have you continuously resided in the U.S. since February 13, 2001?

Yes

No

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Have you been continuously physically present in the United States since March 9, 2001?

Yes

No

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During the initial registration period for El Salvador (March 9, 2001 through September 9, 2002); were you in a valid nonimmigrant status or granted voluntary departure or other relief from removal?

Yes

No

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During the initial registration period for El Salvador (March 9, 2001 through September 9, 2002), did you have an application pending for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which was pending or subject to further review or appeal?

Yes

No

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During the initial registration period for El Salvador (March 9, 2001 through September 9, 2002), were you a parolee or did you have a pending request for re-parole?

Yes

No

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During the initial registration period for El Salvador (March 9, 2001 through September 9, 2002), were you the spouse of an individual currently eligible for TPS and are you still the spouse of this individual?

Yes

No

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During the initial registration period for El Salvador (March 9, 2001 through September 9, 2002), were you the child (unmarried and under 21 years old) of an individual currently eligible for TPS?

Yes

No

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Guinea

OVERVIEW

Guinea was designated for Temporary Protected Status (TPS) on November 21, 2014, for a period of 18 months, due to the Ebola Virus Disease (EVD) outbreak in West Africa because living conditions were deemed unsafe for nationals of Guinea in the United States to be required to return to their homeland.

What is the initial registration period for Guinea?

What are the dates for the continuous residency and continuous physically presence in the United States for Guinea?

What are the eligibility requirements for re-registration for Guinea?

Where do I apply for TPS for Guinea?

Can I travel on TPS under Guinea?

Will I get an automatic extension of my Employment Authorization for Guinea?

Do I qualify for late initial registration for Guinea?

EAD extension dates and a synopsis of benefits for countries that are currently designated under the TPS Program

Note to Representative: If the customer has general questions about TPS/DED, click on the following link for General Information about TPS/DED

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What is the initial registration period for Guinea?

Guinea's initial registration period is from **November 21, 2014 through August 18, 2015**. If you missed registering during the last initial registration period, you may qualify for late initial registration.

What are the dates for the continuous residency and continuous physically presence in the United States for Guinea?

Nationals from Guinea must have continuously resided in the U.S. since November 20, 2014 and been continuously physically present in the U.S. since November 21, 2014. There is an exception for certain brief, casual and innocent absences from the United States, but you will need to demonstrate that your departure meets the regulatory requirements for such departures in order to fall under the exception.

Criteria for the "brief, casual and innocent absence" exception to the "continuous residence" and "continuous physical presence" requirements for TPS

What are the eligibility requirements for re-registration for Guinea?

Re-registration is currently not available for Guinea.

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Where do I apply for TPS for Guinea?

Mail you applications for TPS (Form I-821) and Employment Authorization (Form I-765) to the following applicable address:

If you:	Then mail your application to:
Would like to send your application by U.S. Postal Service	USCIS Attn: Guinea TPS P.O. Box 6943 Chicago, IL 60680-6943
Would like to send your application by non-U.S. Postal Service	USCIS Attn: Guinea TPS 131 S. Dearborn 3rd Floor Chicago, IL 60603-5517

Applicants applying for Temporary Protected Status should submit the required Form I-821 and Form I-765 together in the same envelope. Applicants that submit the applications in separate envelopes may experience a significant processing delay or rejection.

Grant of TPS by an Immigration Judge or by the Board of Immigration Appeals:
If you were granted TPS by an Immigration Judge (IJ) or the Board of Immigration Appeals (BIA), and you wish to request an EAD, please mail your application to the appropriate address in the table above. Upon receiving a Receipt Notice from USCIS, please send an e-mail to TPSijgrant.tsc@uscis.dhs.gov with the receipt number and state that you submitted a request for an EAD based on an IJ/BIA grant of TPS. You can find detailed information on what further information you need to e-mail and the e-mail addresses on the USCIS TPS Web page at www.uscis.gov/tps.

Note to Representative: The email addresses provided above are solely for applicants to notify USCIS of their grant of TPS by the BIA or IJ. They are not for individual case status inquiries.

E-Filing:
You cannot electronically file your application packet when applying for initial registration for TPS. Please mail your application packet to the mailing address listed above.

For further information about TPS, please visit our Web page at www.uscis.gov/tps.

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Can I travel on TPS under Guinea?

The designation of Guinea for TPS is related to the ongoing efforts to prevent the spread of the Ebola Virus Disease (EVD). For this reason, requests for advance travel authorization ("advance parole") for travel to travel to Liberia, Guinea, and/or Sierra Leone will not be approved, as a matter of discretion, absent extraordinary circumstances.

If you depart from the United States without obtaining advance parole or you do not comply with the conditions that may be on your advanced parole document, you may not be permitted to re-enter the United States. If you are granted advance parole to travel to Liberia, Guinea or Sierra Leone, like other aliens who are granted advance parole, you are not guaranteed parole into the United States. A separate decision regarding your ability to enter will be made when you arrive at a port-of-entry upon your return. If you are considering traveling outside the United States, you can visit the Department of States' website at www.state.gov for information on Travel Alerts and Warnings.

Will I get an automatic extension of my Employment Authorization for Guinea?

There is currently no automatic extension of employment authorization available for Guinea.

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Do I qualify for late initial registration for Guinea?

Are you a national of Guinea, or a person without nationality who last habitually resided in Guinea?

Yes

No

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Have you continuously resided in the U.S. since November 20, 2014?

Yes

No

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Have you been continuously physically present in the United States since November 21, 2014?

Yes

No

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During the initial registration period for Guinea (November 21, 2014 through August 18, 2015) were you in a valid nonimmigrant status or granted voluntary departure or other relief from removal?

Yes

No

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During the initial registration period for Guinea (November 21, 2014 through August 18, 2015), did you have an application pending for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which was pending or subject to further review or appeal?

Yes

No

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During the initial registration period for Guinea (November 21, 2014 through August 18, 2015), were you a parolee or did you have a pending request for re-parole?

Yes

No

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During the initial registration period for Guinea (November 21, 2014 through August 18, 2015), were you the spouse of an individual currently eligible for TPS and are you still the spouse of this individual?

Yes

No

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During the initial registration period for Guinea (November 21, 2014 through August 18, 2015), were you the child (unmarried and under 21 years old) of an individual currently eligible for TPS?

Yes

No

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Haiti

OVERVIEW

Nationals from Haiti qualified for Temporary Protected Status (TPS) on January 21, 2010 for a period of 18 months or until July 22, 2011, due the devastating earthquake which struck the region. This initial grant of TPS was both extended and re-designated until January 22, 2013. Due to the continuing conditions in Haiti, DHS has continued to extend TPS for Haiti. The latest extension is effective January 23, 2016 through July 22, 2017.

What is the initial registration period for Haiti?

What are the dates for the continuous residency and continuous physically presence in the United States for Haiti?

What are the eligibility requirements for re-registration for Haiti?

Where do I apply for TPS for Haiti?

Will I get an automatic extension of my Employment Authorization For Haiti?

Do I qualify for late initial registration for Haiti?

EAD extension dates and a synopsis of benefits for countries that are currently designated under the TPS Program

Note to Representative: If the customer has general questions about TPS/DED, click on the following link for General Information about TPS/DED

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What is the initial registration period for Haiti?

Haiti's initial registration period was **from May 19, 2011 through November 15, 2011**. The initial registration period has already passed for Haiti; however, you may qualify for late initial registration.

What are the dates for the continuous residency and continuous physically presence in the United States for Haiti?

Nationals from Haiti must have continuously resided in the U.S. since January 12, 2011 and been continuously physically present in the U.S. since July 23, 2011. There is an exception for certain brief, casual and innocent absences from the United States, but you will need to demonstrate that your departure meets the regulatory requirements for such departures in order to fall under the exception.

Criteria for the "brief, casual and innocent absence" exception to the "continuous residence" and "continuous physical presence" requirements for TPS

What are the eligibility requirements for re-registration for Haiti?

You must:

Have Resided in United States since...	Have been Physically Present in the United States since...	Have Applied and been approved for TPS...	Apply to Re-Register...
January 12, 2011	July 23, 2011	During the initial registration period or as a late initial registrant, and have been approved during each subsequent re-registration period.	Between August 25, 2015 through October 26, 2015.

How do I apply to re-register?

Can I re-register late?

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Where do I apply for TPS for Haiti?

Mail your applications for TPS (Form I-821) and Employment Authorization (Form I-765) to the following applicable address:

If...	Send by U.S. Postal Service to:	Or send by Non-U.S. Postal Delivery Service
You live in Florida	USCIS P.O. Box 4464 Chicago, IL 60680-4464	USCIS Attn: TPS Haiti 131 South Dearborn, 3rd Floor Chicago, IL 60603-5517
You live in New York	USCIS P.O. Box 660167 Dallas, TX 75266-0167	USCIS Attn: TPS Haiti 2501 S. State Highway 121 Business Suite 400 Lewisville, TX 75067
All other	USCIS P.O. Box 24047 Phoenix, AZ 85074-4047	USCIS Attn: TPS Haiti 1820 E. Skyharbor Circle S, Suite 100 Phoenix, AZ 85034

Continue on next page.

Applicants applying for an extension of Temporary Protected Status under the current re-registration should submit the Form I-821 and Form I-765 in the same envelope. Applicants that submit the applications in separate envelopes may experience a significant processing delay or rejection.

If Granted TPS By An Immigration Judge Or By The Board Of Immigration Appeals

If you were granted TPS by an Immigration Judge (IJ) or the Board of Immigration Appeals (BIA), and you wish to request an EAD or are re-registering for the first time following a grant by the IJ or BIA, please send your application to the appropriate address above. Upon receiving a Receipt Notice from USCIS, please send an email to the appropriate USCIS Service Center handling your application providing the receipt number and stating that you submitted a re-registration and/or request for an EAD based on an IJ/BIA grant of TPS. If your USCIS receipt number begins with the letters "LIN," please email the Nebraska Service Center at TPSijgrant.nsc@uscis.dhs.gov. If your USCIS receipt number begins with the letters "WAC," please email the California Service Center at TPSijgrant.csc@uscis.dhs.gov. You can find detailed information on what further information you need to email and email addresses on the USCIS TPS Web page at www.uscis.gov/tps.

Note to Representative: The email addresses provided above are solely for applicants to notify USCIS of their grant of TPS by the BIA or IJ. They are not for individual case status inquiries.

E-Filing:

You cannot electronically file your application when re-registering or submitting a late initial registration application for Haiti TPS.

For further information about TPS, please visit our Web page at www.uscis.gov/tps.

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Will I get an automatic extension of my Employment Authorization For Haiti?

DHS automatically extended the validity of current Employment Authorization Documents (EADs) issued under the TPS designation for Haiti for six months, through July 22, 2016. This automatic extension allows sufficient time for TPS beneficiaries to apply for and receive their new EADs, with an expiration date of July 22, 2017, without any lapse in employment authorization.

To continue to work, you may show the following documentation to your employer and government agencies:

- Your TPS-related EAD with a January 22, 2016, expiration date,
- A copy of the *Federal Register* notice.

Your employer may rely on the Federal Register notice as evidence of the continuing validity of your EAD. Go to the 'Documentation Employers May Accept and Temporary Protected Status Beneficiaries May Present as Evidence of Employment Eligibility' Factsheet for more information. To access this link and more information about TPS, please visit our webpage at www.uscis.gov/tps and select your country of interest from the list.

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Do I qualify for late initial registration for Haiti?

Are you a national of Haiti, or a person without nationality who last habitually resided in Haiti?

Yes

No

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Have you continuously resided in the U.S. since January 12, 2011?

Yes

No

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Have you been continuously physically present in the United States since July 23, 2011?

Yes

No

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During the initial registration period for Haiti (May 19, 2011 through November 15, 2011), were you in a valid nonimmigrant status or granted voluntary departure or other relief from removal?

Yes

No

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During the initial registration period for Haiti (May 19, 2011 through November 15, 2011), did you have an application pending for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which was pending or subject to further review or appeal?

Yes

No

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During the initial registration period for Haiti (May 19, 2011 through November 15, 2011), were you a parolee or did you have a pending request for re-parole?

Yes

No

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During the initial registration period for Haiti (May 19, 2011 through November 15, 2011), were you the spouse of an individual currently eligible for TPS and are you still the spouse of this individual?

Yes

No

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During the initial registration period for Haiti (May 19, 2011 through November 15, 2011), were you the child (unmarried and under 21 years old) of an individual currently eligible for TPS?

Yes

No

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Honduras

OVERVIEW

Honduras was designated for Temporary Protected Status (TPS) on January 5, 1999, for a period of 18 months, due to severe widespread damage caused by Hurricane Mitch. As a result, living conditions were deemed unsafe for nationals from Honduras to return to their homeland. TPS has been extended several times. The latest extension will last through July 5, 2016.

What is the initial registration period for Honduras?

What are the dates for the continuous residency and continuous physically presence in the United States for Honduras?

What are the eligibility requirements for re-registration for Honduras?

Where do I apply or re-register for TPS for Honduras?

Will I get an automatic extension of my Employment Authorization for Honduras?

Do I qualify for late initial registration for Honduras?

EAD extension dates and a synopsis of benefits for countries that are currently designated under the TPS Program

Note to Representative: If the customer has general questions about TPS/DED, click on the following link for General Information about TPS/DED

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What is the initial registration period for Honduras?

Honduras' initial registration period was from **January 5, 1999 through July 5, 1999**. The initial registration period has already passed for Honduras; however, you may qualify for late initial registration.

What are the dates for the continuous residency and continuous physically presence in the United States for Honduras?

Nationals from Honduras must have continuously resided in the U.S. since December 30, 1998 and been continuously physically present in the U.S. since January 5, 1999. There is an exception for certain brief, casual and innocent absences from the United States, but you will need to demonstrate that your departure meets the regulatory requirements for such departures in order to fall under the exception.

Criteria for the "brief, casual and innocent absence" exception to the "continuous residence" and "continuous physical presence" requirements for TPS

What are the eligibility requirements for re-registration for Honduras?

You must:

Have Continuously Resided in United States since...	Have been Continuously Physically Present in the United States since...	Have Applied and been approved for TPS...	Apply to Re-Register...
December 30, 1998	January 5, 1999	During the initial registration period or as a late initial registrant, and have been approved during each subsequent re-registration period.	Between October 16, 2014 through December 15, 2014.

How do I apply to re-register?

Can I re-register late?

Information on the various ASC Biometric Notices.

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Where do I apply or re-register for TPS for Honduras?

Mail you applications for TPS (Form I-821) and Employment Authorization (Form I-765) to the following applicable address:

If...	Mail to...
You are applying through the U.S. Postal Service	USCIS Attn: TPS Honduras P.O. Box 6943 Chicago, IL 60680-6943
You are using a non-U.S. Postal Service Delivery Service	USCIS Attn: TPS Honduras 131 S. Dearborn, 3rd Floor Chicago, IL 60603-5517

Applicants applying for an extension of Temporary Protected Status under the current re-registration should submit the Form I-821 and Form I-765 in the same envelope. Applicants that submit the applications in separate envelopes may experience a significant processing delay or rejection.

Grant of TPS by an Immigration Judge or by the Board of Immigration Appeals:
If you who were granted TPS by an Immigration Judge (IJ) or the Board of Immigration Appeals (BIA) and you are requesting an EAD or are re-registering for the first time following a grant of TPS by the IJ or BIA, please mail your application to the appropriate address in the table above. Upon receiving a Notice of Action (Form I-797) from USCIS, please send an email to the appropriate USCIS Service Center handling your application providing the receipt number and stating that you submitted a re-registration and/or request for an EAD based on an IJ/BIA grant of TPS. If your USCIS receipt number begins with the letters "LIN," please email the Nebraska Service Center at TPSijgrant.nsc@uscis.dhs.gov. If your USCIS receipt number begins with the letters ``WAC," please email the California Service Center at TPSijgrant.csc@uscis.dhs.gov.You can find detailed information on what further information you need to e-mail and the e-mail addresses on the USCIS TPS Web page at www.uscis.gov/tps.

Note to Representative: The email addresses provided above are solely for applicants to notify USCIS of their grant of TPS by the BIA or IJ. They are not for individual case status inquiries.

E-Filing: If you are re-registering for TPS during the re-registration period and you do not need to submit any supporting documents or evidence, you are eligible to file your applications electronically. For more information on e-filing, please visit the USCIS Web site at www.uscis.gov/efiling.

For further information about TPS, please visit our Web page at www.uscis.gov/tps.

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Will I get an automatic extension of my Employment Authorization for Honduras?

DHS automatically extended the validity of current Employment Authorization Documents (EADs) issued under the TPS designation for Honduras for six months, from January 5, 2015 through July 5, 2015. This automatic extension allows sufficient time for TPS beneficiaries to apply for and receive their new EADs, with an expiration date of July 5, 2016, without any lapse in employment authorization.

To continue working legally, you may show the following documentation to your employer and government agencies:

- Your TPS-related EAD with a January 5, 2015, expiration date,
- A copy of the *Federal Register* notice.

Your employer may rely on the Federal Register notice as evidence of the continuing validity of your EAD. Go to the "Documentation Employers May Accept and Temporary Protected Status Beneficiaries May Present as Evidence of Employment Eligibility" Factsheet for more information. To access this link and more information about TPS, please visit our webpage at www.uscis.gov/tps and select your country of interest from the list.

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Do I qualify for late initial registration for Honduras?

Are you a national of Honduras, or a person without nationality who last habitually resided in Honduras?

Yes

No

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Have you continuously resided in the U.S. since December 30, 1998?

Yes

No

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Have you been continuously physically present in the United States since January 5, 1999?

Yes

No

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During the initial registration period for Honduras (January 5, 1999 through July 5, 1999) were you in a valid nonimmigrant status or granted voluntary departure or other relief from removal?

Yes

No

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During the initial registration period for Honduras (January 5, 1999 through July 5, 1999), did you have an application pending for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which was pending or subject to further review or appeal?

Yes

No

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During the initial registration period for Honduras (January 5, 1999 through July 5, 1999), were you a parolee or did you have a pending request for re-parole?

Yes

No

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During the initial registration period for Honduras (January 5, 1999 through July 5, 1999), were you the spouse of an individual currently eligible for TPS and are you still the spouse of this individual?

Yes

No

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During the initial registration period for Honduras (January 5, 1999 through July 5, 1999), were you the child (unmarried and under 21 years old) of an individual currently eligible for TPS?

Yes

No

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Liberia

OVERVIEW

Nationals from Liberia initially qualified for Temporary Protected Status (TPS) on October 1, 2002, for a period of 12 months, due to ongoing armed conflict in Liberia. For a short period, TPS was lifted for Liberia. However, after reviewing damage caused by the civil war, TPS was reinstated until October 1, 2007. TPS for Liberia was initially terminated on October 1, 2007.

Deferred Enforced Departure (DED) was announced for Liberia and initially scheduled to end on September 30, 2011, but was extended until March 31, 2013. President Obama determined that there were compelling foreign policy reasons to continue to defer enforced departure from the United States for eligible Liberian nationals presently living in the United States and granted another extension of DED through September 30, 2014 and then an additional 24 months extension through September 30, 2016.

On November 21, 2014, Department of Homeland Security (DHS) designated Liberia for TPS for a period of 18 months due to the Ebola Virus Disease (EVD) because living conditions were deemed unsafe for nationals of Liberia to return to their homeland.

What information are you seeking?

Information about TPS

Information about DED

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Information about TPS

What is the initial registration period for Liberia?

What are the dates for the continuous residency and continuous physically presence in the United States for Liberia?

What are the eligibility requirements for re-registration for Liberia?

Where do I apply for TPS for Liberia?

Can I travel while on TPS for Liberia?

Will I get an automatic extension of my Employment Authorization for Liberia?

I am covered under DED, do I have to apply for TPS?

I already applied to renew my Employment Authorization Document (EAD) under DED, do I have to apply again?

Do I qualify for late initial registration for Liberia?

EAD extension dates and a synopsis of benefits for countries that are currently designated under the TPS Program

Note to Representative: If the customer has general questions about TPS/DED, click on the following link for General Information about TPS/DED

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What is the initial registration period for Liberia?

Liberia's initial registration period for TPS is from **November 21, 2014 through August 18, 2015**. If you missed registering during the last initial registration period, you may qualify for late initial registration.

What are the dates for the continuous residency and continuous physically presence in the United States for Liberia?

Nationals from Liberia must have continuously resided in the U.S. since November 20, 2014 and been continuously physically present in the U.S. since November 21, 2014. There is an exception for certain brief, casual and innocent absences from the United States, but you will need to demonstrate that your departure meets the regulatory requirements for such departures in order to fall under the exception.

Criteria for the "brief, casual and innocent absence" exception to the "continuous residence" and "continuous physical presence" requirements for TPS

What are the eligibility requirements for re-registration for Liberia?

Re-registration is currently not available for Liberia.

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Where do I apply for TPS for Liberia?

Mail you applications for TPS (Form I-821) and Employment Authorization (Form I-765) to the following applicable address:

If you:	Then mail your application to:
Would like to send your application by U.S. Postal Service	USCIS Attn: Liberia TPS P.O. Box 6943 Chicago, IL 60680-6943
Would like to send your application by non-U.S. Postal Service	USCIS Attn: Liberia TPS 131 S. Dearborn 3rd Floor Chicago, IL 60603-5517

Applicants applying for Temporary Protected Status should submit the required Form I-821 and Form I-765 together in the same envelope. Applicants that submit the applications in separate envelopes may experience a significant processing delay or rejection.

Grant of TPS by an Immigration Judge or by the Board of Immigration Appeals:
If you were granted TPS by an Immigration Judge (IJ) or the Board of Immigration Appeals (BIA), and you wish to request an EAD, please mail your application to the appropriate address listed above. Upon receiving a Receipt Notice from USCIS, please send an e-mail to TPSijgrant.tsc@uscis.dhs.gov with the receipt number and state that you submitted a request for an EAD based on an IJ/BIA grant of TPS. You can find detailed information on what further information you need to e-mail and the e-mail addresses on the USCIS TPS Web page at www.uscis.gov/tps.

Note to Representative: The email addresses provided above are solely for applicants to notify USCIS of their grant of TPS by the BIA or IJ. They are not for individual case status inquiries.

E-Filing:
You cannot electronically file your application packet when applying for initial registration for TPS. Please mail your application packet to the mailing address listed above.

For further information about TPS, please visit our Web page at www.uscis.gov/tps.

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Can I travel while on TPS for Liberia?

The designation of Liberia for TPS is related to the ongoing efforts to prevent the spread of the Ebola Virus Disease (EVD). For this reason, requests for advance travel authorization (``advance parole'') for travel to travel to Liberia, Guinea, and/or Sierra Leone will not be approved, as a matter of discretion, absent extraordinary circumstances.

If you depart from the United States without obtaining advance parole or you do not comply with the conditions that may be on your advanced parole document, you may not be permitted to re-enter the United States. If you are granted advance parole to travel to Liberia, Guinea or Sierra Leone, like other aliens who are granted advance parole, you are not guaranteed parole into the United States. A separate decision regarding your ability to enter will be made when you arrive at a port-of-entry upon your return. If you are considering traveling outside the United States, you can visit the Department of States' website at www.state.gov for information on Travel Alerts and Warnings.

Will I get an automatic extension of my Employment Authorization for Liberia?

There is currently no automatic extension of employment authorization available for Liberia.

I am covered under DED, do I have to apply for TPS?

Although it is not required, USCIS encourages all eligible applicants to apply for TPS.

On November 21, 2014, Department of Homeland Security (DHS) designated Liberia for TPS for a period of 18 months**. If you are currently covered under the two-year extension of Deferred Enforced Departure (DED) (effective October 1, 2014) you may apply for TPS. If you do not apply for TPS within the initial 180-day registration period, you risk being ineligible for TPS. If you already possess or applied for an EAD under DED, you do not need to also apply for one related to this TPS designation.** However, if you are granted TPS you may request a TPS-related EAD at a later date as long as the TPS designation for Liberia remains in effect.

I already applied to renew my Employment Authorization Document (EAD) under DED, do I have to apply again?

If you recently applied to renew your EAD under DED and USCIS accepted your application, you are still required to submit a Form I-765, Application for Employment Authorization, along with Form I-821, Application for Temporary Protected Status, but you will not have to pay the application fee for Form I-765.

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Do I qualify for late initial registration for Liberia?

Are you a national of Liberia, or a person without nationality who last habitually resided in Liberia?

Yes

No

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Have you continuously resided in the U.S. since November 20, 2014?

Yes

No

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Have you been continuously physically present in the United States since November 21, 2014?

Yes

No

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During the initial registration period for Liberia (November 21, 2014 through August 18, 2015) were you in a valid nonimmigrant status or granted voluntary departure or other relief from removal?

Yes

No

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During the initial registration period for Liberia (November 21, 2014 through August 18, 2015), did you have an application pending for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which was pending or subject to further review or appeal?

Yes

No

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During the initial registration period for Liberia (November 21, 2014 through August 18, 2015), were you a parolee or did you have a pending request for re-parole?

Yes

No

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During the initial registration period for Liberia (November 21, 2014 through August 18, 2015), were you the spouse of an individual currently eligible for TPS and are you still the spouse of this individual?

Yes

No

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During the initial registration period for Liberia (November 21, 2014 through August 18, 2015), were you the child (unmarried and under 21 years old) of an individual currently eligible for TPS?

Yes

No

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Information about DED

What information are you seeking?

Information about Registration and the Application Process for DED

Information about Employment Authorization and Form I-765 for DED

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Information about Registration and the Application Process for DED

Liberian Deferred Enforcement Departure (DED) Program, April 1, 2013 until September 30, 2016:

What is the date of initial registration for Liberia under DED?

What are the eligibility requirements for re-registration for DED?

How do I know if I am covered by the extension of DED?

How do I determine if I am not covered by DED?

If I am covered by DED, how long will this extension of DED allow me to remain in the United States?

Can I travel while under DED?

What documents may I show to my employer as proof of employment authorization and identity when completing Form I-9?

If I am covered by Liberian DED and a federal, state or local government official asks me to present proof of authorization to remain in the United States, what evidence should I present?

If I do not have an EAD to indicate such eligibility, how can I prevent unnecessary removal from the United States?

Will I accrue "unlawful presence" for purposes of adjustment of status or other immigration benefits for which I may be applying if I am covered by DED?

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Liberian Deferred Enforcement Departure (DED) Program, April 1, 2013 until September 30, 2016:

Liberian TPS was originally terminated on October 1, 2007. Persons who were in valid Liberian TPS status on September 30, 2007 and who met other criteria specified in President Bush's directive for DED were covered by 18 months of Deferred Enforced Departure (DED). Although DED was last scheduled to end for Liberian nationals on September 30, 2014, President Obama determined that there are compelling foreign policy reasons to continue to defer enforced departure from the United States for eligible Liberian nationals presently living in the United States and granted another extension of DED for 24 months, through September 30, 2016.

The DED extension and procedures for employment authorization apply to Liberian nationals (and persons without nationality who last habitually resided in Liberia) who:

- Are physically present in the United States;
- Have continuously resided in the United States since October 1, 2002; and
- Are under a grant of DED through September 30, 2014.

If a current Liberian under DED has a valid EAD with an expiration date of September 30, 2014, then this EAD will be considered automatically extended until March 30, 2015. For continued employment authorization through September 30, 2016, you must apply for an EAD by filing Form I-765. USCIS will begin accepting applications for employment authorization on October 1, 2014. You must file your application for employment authorization as soon as possible to avoid gaps in work authorization. For more information about filing Form I-765 for employment authorization, please see our FAQs about employment authorization.

Liberians under DED who wish to travel must first apply for Advance Parole by filing Form I-131 with the required fee and wait for permission to be granted before traveling. The recent designation of Liberia, Guinea, and Sierra Leone for TPS is related to the ongoing efforts to prevent the spread of the Ebola Virus Disease (EVD). For this reason, requests for advance travel authorization (``advance parole") for travel to travel to Liberia, Guinea, and/or Sierra Leone will not be approved, as a matter of discretion, absent extraordinary circumstances. For more information about filing Form I-131, please see our FAQ about Advance Parole.

List of people ineligible for DED:

- individuals who are ineligible for TPS for reasons stated in section 244(c)(2)(B) of the Immigration and Nationality Act, 8 U.S.C. 1254a(c)(2)(B);
- individuals whose removal is determined to be in the best interest of the U. S.;
- individuals whose presence or activities in the U.S. the Secretary of State has reasonable grounds to believe would have potentially serious adverse foreign policy consequences for the U.S.;
- individuals who voluntarily returned to Liberia or his or her country of last habitual residence outside the U.S;
- individuals who have been deported, excluded, or removed prior to the date in the Federal Register notice; or
- individuals who are subject to extradition.

For more information about the Liberian DED Program, please see the October 1, 2014 Notice in the *Federal Register*, or visit www.uscis.gov/tps and choose "Temporary Protected Status & Deferred Enforced Departure" from the menu on the left. You can find specific information about DED for Liberia by selecting "DED Granted Country: Liberia" from the menu on the left of the TPS or DED Web page. From the Liberian page, you can select the "Deferred Enforced Departure Extended for Liberians Questions and Answers" from the menu on the right for further information.

Information related to TPS for Liberia.

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What is the date of initial registration for Liberia under DED?

Liberia's initial TPS registration period was originally from October 1, 2002 to April 1, 2003. TPS initially ended for Liberians on October 1, 2007. Liberians who registered for the TPS period from October 1, 2002 to April 1, 2003 and re-registered during subsequent re-registration periods are covered under DED. Recently, Liberia has been re-designated as a TPS country. The registration date for the most recent TPS designation is **November 21, 2014 through August 18, 2015**. For more information about TPS for Liberia please visit our webpage at www.uscis.gov/tps.

Detailed information about Liberian TPS

Detailed information about Liberian DED

What are the eligibility requirements for re-registration for DED?

DED is automatic- no re-registration necessary for DED

How do I know if I am covered by the extension of DED?

With certain exceptions, you are eligible for an extension of DED if you are physically present in the United States and have continuously resided in the United States since October 1, 2002, and are covered under DED as of September 30, 2014. Generally, if you held Temporary Protected Status (TPS) as of Sept. 30, 2007, then you are covered by Liberian DED and the current 24-month extension applies to you.

How do I determine if I am not covered by DED?

You are not eligible for DED under the president's determination if:

- you are ineligible for TPS for the reasons provided in section 244(c)(2)(B) of the Immigration and Nationality Act;
- your removal is determined to be in the interest of the United States;
- the Secretary of State has reasonable grounds to believe your presence or activities in the United States would have potentially serious adverse foreign policy consequences for the United States;
- you have voluntarily returned to Liberia or your last habitual residence outside the United States;
- you were deported, excluded, or removed prior to the current extension of DED; or (6) you are subject to extradition.

If I am covered by DED, how long will this extension of DED allow me to remain in the United States?

Under this extension, you will continue to be covered by DED for 24 months through September 30, 2016.

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Can I travel while under DED?

You may leave the United States and legally reenter if you file for and obtain advance parole before departing the United States. You must file Form I-131, *Application for Travel Document*, with the appropriate fee, to request advance parole. You must provide a copy of your last TPS- or DED-based Employment Authorization Document (EAD), or, if you do not have a TPS- or DED-based EAD, submit a copy of your last Form I-797, *Notice of Action*, stating that you had received a grant of TPS as of Sept. 30, 2007. If you leave the United States without first requesting and obtaining advance parole, you are no longer eligible for DED. You may not be permitted to re-enter the United States. Also, if you seek advance parole in order to go to Liberia, or your last habitual residence outside the United States, you may risk being found ineligible to re-enter the United States under DED.

The recent designation of Liberia, Guinea, and Sierra Leone for TPS is related to the ongoing efforts to prevent the spread of the Ebola Virus Disease (EVD). For this reason, requests for advance travel authorization (``advance parole") for travel to travel to Liberia, Guinea, and/or Sierra Leone will not be approved, as a matter of discretion, absent extraordinary circumstances.

If you depart from the United States without obtaining advance parole or you do not comply with the conditions that may be on your advanced parole document, you may not be permitted to re-enter the United States. If you are granted advance parole to travel to Liberia, Guinea or Sierra Leone, like other aliens who are granted advance parole, you are not guaranteed parole into the United States. A separate decision regarding your ability to enter will be made when you arrive at a port-of-entry upon your return. If you are considering traveling outside the United States, you can visit the Department of States' website at www.state.gov for information on Travel Alerts and Warnings.

You may submit your completed Form I-131 with your Form I-765, Application for Employment Authorization. However, if you choose to file Form I-131 **separately**, please submit the application to the following appropriate address:

If you:	Then mail your application to:
Would like to send your application by U.S. Postal Service	USCIS Attn: DED Liberia P.O. Box 6943 Chicago, IL 60680-6943
Would like to send your application by non-U.S. Postal Service courier	USCIS Attn: DED Liberia 131 S. Dearborn, 3rd Floor Chicago, IL 60603-5517

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What documents may I show to my employer as proof of employment authorization and identity when completing Form I-9?

Throughout the duration of the six-month automatic employment authorization extension, you may present your prior DED-based Employment Authorization Document (EAD) to your employers as proof of identity and employment authorization through March 30, 2015. To minimize confusion over this extension at the time of hire or re-verification, you may also present a copy of the Federal Register Notice regarding the automatic extension of EADs through March 30, 2015.

In the alternative, you may present any legally acceptable document or combination of documents listed in List A, List B, or List C of the Form I-9.

If I am covered by Liberian DED and a federal, state or local government official asks me to present proof of authorization to remain in the United States, what evidence should I present?

You may present your automatically extended DED-based Employment Authorization Document (EAD) and a copy of the *Federal Register Notice* dated October 1, 2014. You may present your DED-based EAD with an expiration date of September 30, 2014, and a copy of the *Federal Register Notice* as evidence of permission to remain in the United States through September 30, 2016. If you do not have a TPS- or DED-based EAD, you may present a copy of Form I-797, Notice of Action, showing that you were a TPS beneficiary as of Sept. 30, 2007, a photo ID, and a copy of the *Federal Register Notice*.

If I do not have an EAD to indicate such eligibility, how can I prevent unnecessary removal from the United States?

U.S. Immigration and Customs Enforcement (ICE) will issue guidance to its attorneys, officers, and agents to ensure that eligible Liberians or persons without nationality who last habitually resided in Liberia are not removed in violation of the President's DED memorandum. The guidance will be consistent with the USCIS *Federal Register Notice*.

Will I accrue "unlawful presence" for purposes of adjustment of status or other immigration benefits for which I may be applying if I am covered by DED?

No. You do not accrue "unlawful presence" for the purposes of adjustment of status or other immigration benefits for which you may be applying during the period of time you are covered by DED.

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Information about Employment Authorization and Form I-765 for DED

Where do I submit Form I-765 for DED?

What do I need to submit with Form I-765?

Can I file Form I-765 electronically for DED?

What if my address changes after I file Form I-765?

If I already have a current valid Employment Authorization Document (EAD) under the renewal of DED do I have to pay the fee and/or file it again under TPS?

Extensions of Employment Authorization for Liberian DED Registrants

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Where do I submit Form I-765 for DED?

If you are currently covered under the two-year extension of Deferred Enforced Departure (DED) you may apply for TPS. **If you do not apply for TPS within the initial 180-day registration period, you risk being ineligible for TPS. If you already possess or applied for an EAD under DED, you do not need to also apply for one related to this TPS designation.** However, if you are granted TPS you may request a TPS-related EAD at a later date as long as the TPS designation for Liberia remains in effect. Additional information related to TPS for Liberia.

If you want to renew your EAD under DED, you can submit the Form I-765, along with the appropriate fee or fee waiver, and supporting documentation to the following addresses:

If you:	Then mail your application to:
Would like to send your application by U.S. Postal Service	USCIS Attn: DED Liberia P.O. Box 6943 Chicago, IL 60680-6943
Would like to send your application by non-U.S. Postal Service courier	Attn: DED Liberia 131 S. Dearborn 3rd Floor Chicago, IL 60603-5517

What do I need to submit with Form I-765?

If you applying under DED, on Form I-765, you must indicate that you are eligible for DED by putting "(a)(11)" in response to Question 16 on Form I-765. Include a copy of your last Form I-797, Notice of Action, showing that you were approved for TPS as of Sept. 30, 2007. Also submit the required fee for Form I-765.

If you are applying under TPS, please follow the instructions provided with Form I-765.

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Can I file Form I-765 electronically for DED?

No. Electronic filing is not available for Form I-765 based on DED.

What if my address changes after I file Form I-765?

If your address changes after you file your application, you must complete and submit a Form AR-11 by mail or electronically. Form AR-11 can be downloaded from our website at www.uscis.gov/forms/AR-11. You may also change your address online on our website.

Form AR-11 can also be filed electronically by following the directions on the USCIS Web site at www.uscis.gov.

If I already have a current valid Employment Authorization Document (EAD) under the renewal of DED do I have to pay the fee and/or file it again under TPS?

If you already possess or applied for an EAD under the renewal of DED (effective October 1, 2014), you do not need to also apply for one related to the newest TPS designation (effective November 21, 2014). However, if you are granted TPS you may request a TPS-related EAD at a later date as long as the TPS designation for Liberia remains in effect. Additional information related to TPS for Liberia.

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Extensions of Employment Authorization for Liberian DED Registrants

Liberian TPS was originally terminated on October 1, 2007. Persons who were in valid Liberian TPS status on September 30, 2007 and who met other criteria were covered by DED. Although DED was last scheduled to end for Liberian nationals on September 30, 2014, President Obama determined that there are compelling foreign policy reasons to continue to defer enforced departure from the United States for eligible Liberian nationals presently living in the United States and granted another extension of DED for 24 months, through September 30, 2016.

A six-month automatic extension of employment authorization documents for Liberians who are eligible for DED is effective on October 1, 2014 through March 30, 2015. This six-month automatic extension of employment authorization permits eligible Liberians to continue working while they file their applications for new EADs that will cover the full extended period of DED through September 30, 2016. If you wish to have work authorization valid through September 30, 2016, you must file Form I-765. USCIS began accepting applications for employment authorization on October 1, 2014.

You may apply for employment authorization if you had TPS status under the former Liberia TPS designation as of September 30, 2007 and are otherwise eligible for DED and you:

- Are physically present in the United States;
- Have continuously resided in the United States since October 1, 2002; and
- Were under a grant of DED through September 30, 2014.

To continue working legally, you may show the following documentation to your employer and government agencies:

- Your TPS-related EAD bearing a September 30, 2014 expiration date,
- A copy of the *Federal Register* notice.

Your employer may rely on the Federal Register notice as evidence of the continuing validity of your EAD. Go to the "Documentation Employers May Accept and Temporary Protected Status Beneficiaries May Present as Evidence of Employment Eligibility" Factsheet for more information. To access this link and more information about TPS, please visit our webpage at www.uscis.gov/tps and select your country of interest from the list.

Additional information related to DED for Liberia

On November 21, 2014, Department of Homeland Security (DHS) designated Liberia for TPS for a period of 18 months due to the Ebola Virus Disease (EVD) because living conditions were deemed unsafe for nationals of Liberia to return to their homeland. **If you are currently covered under the two-year extension of Deferred Enforced Departure (DED) (effective October 1, 2014) you may apply for TPS. If you do not apply for TPS within the initial 180-day registration period, you risk being ineligible for TPS. If you already possess or applied for an EAD under DED, you do not need to also apply for one related to this TPS designation.** However, if you are granted TPS you may request a TPS-related EAD at a later date as long as the TPS designation for Liberia remains in effect. Additional information related to TPS for Liberia.

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Nepal

OVERVIEW

Nepal was designated for Temporary Protected Status (TPS) on June 24, 2015, for a period of 18 months, due to the earthquake that struck Nepal on April 25, 2015, which resulted in significant damage to housing and other infrastructure.

What is the initial registration period for Nepal?

What are the eligibility requirements for initial registration for Nepal?

What are the dates for the continuous residency and continuous physically presence in the United States for Nepal?

What are the eligibility requirements for re-registration for Nepal?

Where do I apply for TPS for Nepal?

Will I get an automatic extension of my Employment Authorization for Nepal?

Do I qualify for late initial registration for Nepal?

EAD extension dates and a synopsis of benefits for countries that are currently designated under the TPS Program

Note to Representative: If the customer has general questions about TPS/DED, click on the following link for General Information about TPS/DED

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What is the initial registration period for Nepal?

Nepal's initial registration period is from **June 24, 2015 through December 21, 2015**.

What are the eligibility requirements for initial registration for Nepal?

You Must:

Have Continuously Resided in United States since...	Have been Continuously Physically Present in the United States since...	Apply to Register...
June 24, 2015	June 24, 2015	June 24, 2015 through December 21, 2015.

How do I Apply for Initial Registration

What are the dates for the continuous residency and continuous physically presence in the United States for Nepal?

Nationals from Nepal must have continuously resided in the U.S. since June 24, 2015 and been continuously physically present in the U.S. June 24, 2015. There is an exception for certain brief, casual and innocent absences from the United States, but you will need to demonstrate that your departure meets the regulatory requirements for such departures in order to fall under the exception.

Criteria for the "brief, casual and innocent absence" exception to the "continuous residence" and "continuous physical presence" requirements for TPS

What are the eligibility requirements for re-registration for Nepal?

TPS applications are currently being accepted for Nepal and re-registration does not apply.

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Where do I apply for TPS for Nepal?

Mail you applications for TPS (Form I-821) and Employment Authorization (Form I-765) to the following applicable address:

If you:	Then mail your application to:
Would like to send your application by U.S. Postal Service	USCIS Attn: Nepal TPS P.O. Box 7555 Chicago, IL 60680
Would like to send your application by non-U.S. Postal Service	USCIS Attn: Nepal TPS 131 S. Dearborn 3rd Floor Chicago, IL 60603-5517

Applicants applying for Temporary Protected Status should submit the required Form I-821 and Form I-765 together in the same envelope. Applicants that submit the applications in separate envelopes may experience a significant processing delay or rejection.

Grant of TPS by an Immigration Judge or by the Board of Immigration Appeals:
If you were granted TPS by an Immigration Judge (IJ) or the Board of Immigration Appeals (BIA), and you wish to request an EAD, please mail your application to the appropriate address in the table above. Upon receiving a Receipt Notice from USCIS, please send an e-mail to the service center handling your application with the receipt number and state that you submitted a request for an EAD based on an IJ/BIA grant of TPS. You can find detailed information on what further information you need to e-mail and the e-mail addresses on the USCIS TPS Web page at www.uscis.gov/tps.

Note to Representative: The email addresses provided above are solely for applicants to notify USCIS of their grant of TPS by the BIA or IJ. They are not for individual case status inquiries.

E-Filing:
You cannot electronically file your application packet when applying for initial registration for TPS. Please mail your application packet to the mailing address listed above.

For further information about TPS, please visit our Web page at www.uscis.gov/tps.

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Will I get an automatic extension of my Employment Authorization for Nepal?

There is currently no automatic extension of employment authorization available for Nepal.

Do I qualify for late initial registration for Nepal?

TPS applications are currently being accepted for Nepal and re-registration does not apply.

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Are you a national of Nepal, or a person without nationality who last habitually resided in Nepal?

Yes

No

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Have you continuously resided in the U.S. since June 24, 2015?

Yes

No

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Have you been continuously physically present in the United States since June 24, 2015?

Yes

No

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During the initial registration period for Nepal (June 24, 2015 through December 21, 2015), were you in a valid nonimmigrant status or granted voluntary departure or other relief from removal?

Yes

No

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During the initial registration period for Nepal (June 24, 2015 through December 21, 2015), did you have an application pending for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which was pending or subject to further review or appeal?

Yes

No

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During the initial registration period for Nepal (June 24, 2015 through December 21, 2015), were you a parolee or did you have a pending request for re-parole?

Yes

No

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During the initial registration period for Nepal (June 24, 2015 through December 21, 2015), were you the spouse of an individual currently eligible for TPS and are you still the spouse of this individual?

Yes

No

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During the initial registration period for Nepal (June 24, 2015 through December 21, 2015), were you the child (unmarried and under 21 years old) of an individual currently eligible for TPS?

Yes

No

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Nicaragua

OVERVIEW

Nicaragua was designated for Temporary Protected Status (TPS) on January 5, 1999 for a period of 18 months, due to severe widespread damage caused by Hurricane Mitch. As a result, living conditions were deemed unsafe for nationals of Nicaragua in the United States to return to their homeland. TPS has been extended several times. The latest extension will last through July 5, 2016.

What is the initial registration period for Nicaragua?

What are the dates for the continuous residency and continuous physically presence in the United States for Nicaragua?

What are the eligibility requirements for re-registration for Nicaragua?

Where do I apply for re-register for TPS for Nicaragua?

Will I get an automatic extension of my Employment Authorization for Nicaragua?

Do I qualify for late initial registration for Nicaragua?

EAD extension dates and a synopsis of benefits for countries that are currently designated under the TPS Program

Note to Representative: If the customer has general questions about TPS/DED, click on the following link for General Information about TPS/DED

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What is the initial registration period for Nicaragua?

Nicaragua's initial registration period was from **January 5, 1999 through July 5, 1999**. The initial registration period has already passed for Nicaragua; however, you may qualify for late initial registration.

What are the dates for the continuous residency and continuous physically presence in the United States for Nicaragua?

Nationals from Nicaragua must have continuously resided in the U.S. since December 30, 1998 and been continuously physically present in the U.S. since January 5, 1999. There is an exception for certain brief, casual and innocent absences from the United States, but you will need to demonstrate that your departure meets the regulatory requirements for such departures in order to fall under the exception.

Criteria for the "brief, casual and innocent absence" exception to the "continuous residence" and "continuous physical presence" requirements for TPS

What are the eligibility requirements for re-registration for Nicaragua?

You Must:

Have Continuously Resided in United States since...	Have been Continuously Physically Present in the United States since...	Have Applied and been approved for TPS...	Apply to Re-Register...
December 30, 1998	January 5, 1999	During the initial registration period or as a late initial registrant, and have been approved during each subsequent re-registration period.	Between October 16, 2014 through December 15, 2014.

How do I apply to re-register?

Can I re-register late?

Information about the various ASC Biometric Notices

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Where do I apply for re-register for TPS for Nicaragua?

Mail you applications for TPS (Form I-821) and Employment Authorization (Form I-765) to the following applicable address:

If...	Mail to...
You are applying through the U.S. Postal Service	USCIS Attn: TPS Nicaragua P.O. Box 6943 Chicago, IL 60680-6943
You are using a non-U.S. Postal Service delivery service	USCIS Attn: TPS Nicaragua 131 S. Dearborn, 3rd Floor Chicago, IL 60603-5517

Applicants applying for an extension of Temporary Protected Status under the current re-registration should submit the Form I-821 and Form I-765 in the same envelope. Applicants that submit the applications in separate envelopes may experience a significant processing delay or rejection.

Grant of TPS by an Immigration Judge or by the Board of Immigration Appeals:
If you who were granted TPS by an Immigration Judge (IJ) or the Board of Immigration Appeals (BIA) and you are requesting an EAD or are re-registering for the first time following a grant of TPS by the IJ or BIA, please mail your application to the appropriate address in the table above. Upon receiving a Notice of Action (Form I-797) from USCIS, please send an email to the appropriate USCIS Service Center handling your application providing the receipt number and stating that you submitted a re-registration and/or request for an EAD based on an IJ/BIA grant of TPS. If your USCIS receipt number begins with the letters "LIN," please email the Nebraska Service Center at TPSijgrant.nsc@uscis.dhs.gov. If your USCIS receipt number begins with the letters ``WAC," please email the California Service Center at TPSijgrant.csc@uscis.dhs.gov.You can find detailed information on what further information you need to e-mail and the e-mail addresses on the USCIS TPS Web page at www.uscis.gov/tps.

Note to Representative: The email addresses provided above are solely for applicants to notify USCIS of their grant of TPS by the BIA or IJ. They are not for individual case status inquiries.

E-Filing:
If you are re-registering for TPS during the re-registration period and you do not need to submit any supporting documents or evidence, you are eligible to file your applications electronically. For more information on e-filing, please visit the USCIS Web site at www.uscis.gov/efiling.

For further information about TPS, please visit our Web page at www.uscis.gov/tps.

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Will I get an automatic extension of my Employment Authorization for Nicaragua?

DHS automatically extended the validity of current Employment Authorization Documents (EADs) issued under the TPS designation for Nicaragua for six months, from January 5, 2015 through July 5, 2015. This automatic extension allows sufficient time for TPS beneficiaries to apply for and receive their new EADs, with an expiration date of July 5, 2016, without any lapse in employment authorization.

To continue working legally, you may show the following documentation to your employer and government agencies:

- Your TPS-related EAD with a January 5, 2015, expiration date,
- A copy of the *Federal Register* notice.

Your employer may rely on the Federal Register notice as evidence of the continuing validity of your EAD. Go to the "Documentation Employers May Accept and Temporary Protected Status Beneficiaries May Present as Evidence of Employment Eligibility" Factsheet for more information. To access this link and more information about TPS, please visit our webpage at www.uscis.gov/tps and select your country of interest from the list.

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Do I qualify for late initial registration for Nicaragua?

Are you a national of Nicaragua, or a person without nationality who last habitually resided in Nicaragua?

Yes

No

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Have you continuously resided in the U.S. since December 30, 1998?

Yes

No

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Have you been continuously physically present in the United States since January 5, 1999?

Yes

No

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During the initial registration period for Nicaragua (January 5, 1999 through July 5, 1999) were you in a valid nonimmigrant status or granted voluntary departure or other relief from removal?

Yes

No

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During the initial registration period for Nicaragua (January 5, 1999 through July 5, 1999), did you have an application pending for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which was pending or subject to further review or appeal?

Yes

No

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During the initial registration period for Nicaragua (January 5, 1999 through July 5, 1999), were you a parolee or did you have a pending request for re-parole?

Yes

No

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During the initial registration period for Nicaragua (January 5, 1999 through July 5, 1999), were you the spouse of an individual currently eligible for TPS and are you still the spouse of this individual?

Yes

No

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During the initial registration period for Nicaragua (January 5, 1999 through July 5, 1999), were you the child (unmarried and under 21 years old) of an individual currently eligible for TPS?

Yes

No

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Sierra Leone

OVERVIEW

Sierra Leone was designated for Temporary Protected Status (TPS) on November 21, 2014, for a period of 18 months, due to the Ebola Virus Disease (EVD) outbreak in West Africa because living conditions were deemed unsafe for nationals of Sierra Leone in the United States to be required to return to their homeland.

What is the initial registration period for Sierra Leone?

What are the dates for the continuous residency and continuous physically presence in the United States for Sierra Leone?

What are the eligibility requirements for re-registration for Sierra Leone?

Where do I apply for TPS for Sierra Leone?

Can I travel on TPS under Sierra Leone?

Will I get an automatic extension of my Employment Authorization for Sierra Leone?

Do I qualify for late initial registration for Sierra Leone?

EAD extension dates and a synopsis of benefits for countries that are currently designated under the TPS Program

Note to Representative: If the customer has general questions about TPS/DED, click on the following link for General Information about TPS/DED

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What is the initial registration period for Sierra Leone?

Sierra Leone's initial registration period is from **November 21, 2014 through August 18, 2015.** If you missed registering during the last initial registration period, you may qualify for late initial registration.

What are the dates for the continuous residency and continuous physically presence in the United States for Sierra Leone?

Nationals from Sierra Leone must have continuously resided in the U.S. since November 20, 2014 and been continuously physically present in the U.S. since November 21, 2014. There is an exception for certain brief, casual and innocent absences from the United States, but you will need to demonstrate that your departure meets the regulatory requirements for such departures in order to fall under the exception.

Criteria for the "brief, casual and innocent absence" exception to the "continuous residence" and "continuous physical presence" requirements for TPS

What are the eligibility requirements for re-registration for Sierra Leone?

Re-registration is currently not available for Sierra Leone.

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Where do I apply for TPS for Sierra Leone?

Mail you applications for TPS (Form I-821) and Employment Authorization (Form I-765) to the following applicable address:

If you:	Then mail your application to:
Would like to send your application by U.S. Postal Service	USCIS Attn: Sierra Leone TPS P.O. Box 6943 Chicago, IL 60680-6943
Would like to send your application by non-U.S. Postal Service	USCIS Attn: Sierra Leone TPS 131 S. Dearborn 3rd Floor Chicago, IL 60603-5517

Applicants applying for Temporary Protected Status should submit the required Form I-821 and Form I-765 together in the same envelope. Applicants that submit the applications in separate envelopes may experience a significant processing delay or rejection.

Grant of TPS by an Immigration Judge or by the Board of Immigration Appeals:
If you were granted TPS by an Immigration Judge (IJ) or the Board of Immigration Appeals (BIA), and you wish to request an EAD, please mail your application to the appropriate address in the table above. Upon receiving a Receipt Notice from USCIS, please send an e-mail to TPSijgrant.tsc@uscis.dhs.gov with the receipt number and state that you submitted a request for an EAD based on an IJ/BIA grant of TPS. You can find detailed information on what further information you need to e-mail and the e-mail addresses on the USCIS TPS Web page at www.uscis.gov/tps.

Note to Representative: The email addresses provided above are solely for applicants to notify USCIS of their grant of TPS by the BIA or IJ. They are not for individual case status inquiries.

E-Filing:
You cannot electronically file your application packet when applying for initial registration for TPS. Please mail your application packet to the mailing address listed above.

For further information about TPS, please visit our Web page at www.uscis.gov/tps.

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Can I travel on TPS under Sierra Leone?

The designation of Sierra Leone for TPS is related to the ongoing efforts to prevent the spread of the Ebola Virus Disease (EVD). For this reason, requests for advance travel authorization (``advance parole'') for travel to travel to Liberia, Guinea, and/or Sierra Leone will not be approved, as a matter of discretion, absent extraordinary circumstances.

If you depart from the United States without obtaining advance parole or you do not comply with the conditions that may be on your advanced parole document, you may not be permitted to re-enter the United States. If you are granted advance parole to travel to Liberia, Guinea or Sierra Leone, like other aliens who are granted advance parole, you are not guaranteed parole into the United States. A separate decision regarding your ability to enter will be made when you arrive at a port-of-entry upon your return. If you are considering traveling outside the United States, you can visit the Department of States' website at www.state.gov for information in Travel Alerts and Warnings.

Will I get an automatic extension of my Employment Authorization for Sierra Leone?

There is currently no automatic extension of employment authorization available for Sierra Leone.

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Do I qualify for late initial registration for Sierra Leone?

Are you a national of Sierra Leone, or a person without nationality who last habitually resided in Sierra Leone?

Yes

No

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Have you continuously resided in the U.S. since November 20, 2014?

Yes

No

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Have you been continuously physically present in the United States since November 21, 2014?

Yes

No

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During the initial registration period for Sierra Leone (November 21, 2014 through August 18, 2015) were you in a valid nonimmigrant status or granted voluntary departure or other relief from removal?

Yes

No

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During the initial registration period for Sierra Leone (November 21, 2014 through August 18, 2015), did you have an application pending for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which was pending or subject to further review or appeal?

Yes

No

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During the initial registration period for Sierra Leone (November 21, 2014 through August 18, 2015), were you a parolee or did you have a pending request for re-parole?

Yes

No

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During the initial registration period for Sierra Leone (November 21, 2014 through August 18, 2015), were you the spouse of an individual currently eligible for TPS and are you still the spouse of this individual?

Yes

No

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During the initial registration period for Sierra Leone (November 21, 2014 through August 18, 2015), were you the child (unmarried and under 21 years old) of an individual currently eligible for TPS?

Yes

No

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Somalia

OVERVIEW

Somalia was initially designated for Temporary Protected Status (TPS) on September 16, 1991 for a period of 12 months, due to ongoing armed conflicts in the country. As a result, living conditions were deemed unsafe for nationals from Somalia in the United State to be required to return to their homeland. Somalia was also "re-designated" for TPS in 2001. Since 2001, TPS for Somalia has been extended several times and even re-designated once. TPS was most recently extended for 18 months from September 18, 2015, through March 17, 2017.

What is the initial registration period for Somalia?

What are the dates for the continuous residency and continuous physically presence in the United States for Somalia?

What are the eligibility requirements for re-registration for Somalia?

Where do I apply for TPS for Somalia?

Will I get an automatic extension of my Employment Authorization for Somalia?

Do I qualify for late initial registration for Somalia?

EAD extension dates and a synopsis of benefits for countries that are currently designated under the TPS Program

Note to Representative: If the customer has general questions about TPS/DED, click on the following link for General Information about TPS/DED

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What is the initial registration period for Somalia?

Somalia's first initial registration period was from September 16, 1991 through September 16, 1992. The second period of initial registration following the 2001 "re-designation" of Somalia ran from September 4, 2001 through September 17, 2002. The third period of initial registration following the 2012 re-designation was from **May 1, 2012 through October 29, 2012**. If you missed registering during the last initial registration period, you may qualify for late initial registration.

What are the dates for the continuous residency and continuous physically presence in the United States for Somalia?

Nationals from Somalia must have continuously resided in the U.S. since May 1, 2012 and been continuously physically present in the U.S. since September 18, 2012. There is an exception for certain brief, casual and innocent absences from the United States, but you will need to demonstrate that your departure meets the regulatory requirements for such departures in order to fall under the exception.

Criteria for the "brief, casual and innocent absence" exception to the "continuous residence" and "continuous physical presence" requirements for TPS

What are the eligibility requirements for re-registration for Somalia?

You must:

Have Continuously Resided in the United States since...	Have been Continuously Physically Present in the United States since...	Have Applied and been approved for TPS...	Apply to Re-Register...
May 1, 2012	September 18, 2012	During one of the three initial registration periods for Somalia, or as a late initial registrant, and have been approved during each subsequent extension period.	Between June 1, 2015 through July 31, 2015.

How do I apply to re-register?

Can I re-register late?

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Where do I apply for TPS for Somalia?

Mail you applications for TPS (Form I-821) and Employment Authorization (Form I-765) to the following applicable address:

If you:	Then mail your application to:
Would like to send your application by U.S. Postal Service	USCIS Attn: TPS Somalia P.O. Box 6943 Chicago, IL 60680-6943
Would like to send your application by non-U.S. Postal Service	USCIS Attn: TPS Somalia 131 S. Dearborn - 3rd Floor Chicago, IL 60603-5517

Applicants applying for an extension of Temporary Protected Status under the current re-registration should submit the Form I-821 and Form I-765 in the same envelope. Applicants that submit the applications in separate envelopes may experience a significant processing delay or rejection.

Grant of TPS by an Immigration Judge or by the Board of Immigration Appeals:
If you were granted TPS by an Immigration Judge (IJ) or the Board of Immigration Appeals (BIA), and you wish to request an EAD or are re-registering for the first time following a grant by the IJ or BIA, please send your application to the address above. Upon receiving a Receipt Notice from USCIS, please send an email to TPSijgrant.vsc@uscis.dhs.gov with the receipt number and state that you submitted a re-registration and/or request for an EAD based on an IJ/BIA grant of TPS. You can find detailed information on what further information you need to email and email addresses on the USCIS TPS Web page at www.uscis.gov/tps.

Note to Representative: The email addresses provided above are solely for applicants to notify USCIS of their grant of TPS by the BIA or IJ. They are not for individual case status inquiries.

E-Filing:
You cannot e-file your application when re-registering or submitting a late initial registration for Somalia TPS. Please send your application to the address above.

For further information about TPS, please visit our Web page at www.uscis.gov/tps.

Will I get an automatic extension of my Employment Authorization for Somalia?

Your current EAD will not be extended automatically. The Department of Homeland Security has announced the extension of TPS for Somalia and established the re-registration period (June 1, 2015 through July 31, 2015) at an early enough date to allow sufficient time for USCIS to process EAD requests prior to the September 17, 2015 expiration date of your current EAD.

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Do I qualify for late initial registration for Somalia?

Are you a national of Somalia, or a person without nationality who last habitually resided in Somalia?

Yes

No

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Have you continuously resided in the U.S. since May 1, 2012?

Yes

No

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Have you been continuously physically present in the United States since September 18, 2012?

Yes

No

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During the initial registration period for Somalia (May 1, 2012 through October 29, 2012), were you in a valid nonimmigrant status or granted voluntary departure or other relief from removal?

Yes

No

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During the initial registration period for Somalia (May 1, 2012 through October 29, 2012), did you have an application pending for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which was pending or subject to further review or appeal?

Yes

No

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During the initial registration period for Somalia (May 1, 2012 through October 29, 2012), were you a parolee or did you have a pending request for re-parole?

Yes

No

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During the initial registration period for Somalia (May 1, 2012 through October 29, 2012), were you the spouse of an individual currently eligible for TPS and are you still the spouse of this individual?

Yes

No

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During the initial registration period for Somalia (May 1, 2012 through October 29, 2012), were you the child (unmarried and under 21 years old) of an individual currently eligible for TPS?

Yes

No

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South Sudan

OVERVIEW

South Sudan was first designated for Temporary Protected Status (TPS) on November 3, 2011, for a period of 18 months, due to ongoing armed conflicts and other conditions in the country. As a result, living conditions were deemed unsafe for nationals from South Sudan in the United States to be required to return to their homeland. TPS was both extended and re-designated effective May 3, 2013 through November 2, 2014. TPS for South Sudan was again both extended and re-designated effective November 3, 2014 through May 2, 2016.

What is the initial registration period for South Sudan?

What are the eligibility requirements for initial registration for South Sudan?

What are the dates for the continuous residency and continuous physically presence in the United States for South Sudan?

What are the eligibility requirements for re-registration for TPS for South Sudan?

What is the difference between the Extension of TPS and the Re-designation of TPS and what are the dates to apply for each?

Where do I apply for TPS for South Sudan?

Will I get an automatic extension of my Employment Authorization for South Sudan?

Do I qualify for late initial registration for South Sudan?

EAD extension dates and a synopsis of benefits for countries that are currently designated under the TPS Program

Note to Representative: If the customer has general questions about TPS/DED, click on the following link for General Information about TPS/DED

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What is the initial registration period for South Sudan?

South Sudan's first initial registration period was from October 13, 2011 to April 10, 2012. Under the first re-designation of TPS for South Sudan, the initial registration period was from January 9, 2013 through July 8, 2013. Under the current re-designation of TPS for South Sudan, the initial registration period is from **September 2, 2014 through March 2, 2015**. If you missed registering during the last initial registration period, you may qualify for late initial registration.

What are the eligibility requirements for initial registration for South Sudan?

You Must:

Have Continuously Resided in United States since...	Have been Continuously Physically Present in the United States since...	Apply to Register...
September 2, 2014	November 3, 2014	September 2, 2014 through March 2, 2015

How do I Apply for Initial Registration

What are the dates for the continuous residency and continuous physically presence in the United States for South Sudan?

Nationals from South Sudan must have continuously resided in the U.S. since September 2, 2014 and been continuously physically present in the U.S. since November 3, 2014. There is an exception for certain brief, casual and innocent absences from the United States, but you will need to demonstrate that your departure meets the regulatory requirements for such departures in order to fall under the exception.

Criteria for the "brief, casual and innocent absence" exception to the "continuous residence" and "continuous physical presence" requirements for TPS

What are the eligibility requirements for re-registration for TPS for South Sudan?

You Must:

Have Continuously Resided in the United States since...	Have been Continuously Physically Present in the United States since...	Have Applied and been approved for TPS...	Apply to Re-Register...
September 2, 2014	November 3, 2014	During the initial registration period or as a late initial registrant, and have been approved during each subsequent re-registration period.	Between September 2, 2014 through November 3, 2014.

How do I apply to re-register?

Can I re-register late?

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What is the difference between the Extension of TPS and the Re-designation of TPS and what are the dates to apply for each?

Extension - USCIS has extended TPS for another 18 months, effective November 3, 2014 through May 2, 2016. Therefore, individuals who have already been granted TPS may re-register for TPS during the 60-day registration period from September 2, 2014 through November 3, 2014.

Re-designation - The original designation of TPS for South Sudan has been re-designated. The re-designation of TPS is effective November 3, 2014 through May 2, 2016. Individuals who currently do not have TPS may apply for an initial grant of TPS from September 2, 2014 through March 2, 2015. Individuals applying under the re-designation must have continuously resided in the United States since September 2, 2014 and must have been continuously physically present in the United States since November 3, 2014.

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Where do I apply for TPS for South Sudan?

Mail you applications for TPS (Form I-821) and Employment Authorization (Form I-765) to the following applicable address:

If you:	Then mail your application to:
Would like to send your application by U.S. Postal Service	USCIS Attn: TPS South Sudan PO Box 6943 Chicago, IL 60680-6943
Would like to send your application by non-U.S. Postal Service	USCIS Attn: TPS South Sudan 131 S. Dearborn, 3rd Floor Chicago, IL 60603-5517

Applicants applying for Temporary Protected Status should submit the required Form I-821 and Form I-765 together in the same envelope. Applicants that submit the applications in separate envelopes may experience a significant processing delay or rejection.

Grant of TPS by an Immigration Judge or by the Board of Immigration Appeals:
If you were granted TPS by an Immigration Judge (IJ) or the Board of Immigration Appeals (BIA), and you wish to request an EAD or are re-registering for the first time following a grant by the IJ or BIA, please send your application to the address above. Upon receiving a Receipt Notice from USCIS, please send an email to TPSijgrant.vsc@uscis.dhs.gov with the receipt number and state that you submitted a re-registration and/or request for an EAD based on an IJ/BIA grant of TPS. You can find detailed information on what further information you need to email and email addresses on the USCIS TPS Web page at www.uscis.gov/tps.

Note to Representative: The email addresses provided above are solely for applicants to notify USCIS of their grant of TPS by the BIA or IJ. They are not for individual case status inquiries.

E-Filing:
You cannot e-file your application when re-registering or submitting a late initial registration for Somalia TPS. Please send your application to the address above.

For further information about TPS, please visit our Web page at www.uscis.gov/tps.

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Will I get an automatic extension of my Employment Authorization for South Sudan?

DHS automatically extended the validity of current Employment Authorization Documents (EADs) issued under the TPS designation for South Sudan for six months, from November 2, 2014 through May 2, 2015. This automatic extension allows sufficient time for TPS beneficiaries to apply for and receive their new EADs, with an expiration date of May 2, 2016, without any lapse in employment authorization.

To continue working legally, you may show the following documentation to your employer and government agencies:

- Your TPS-related EAD bearing a November 2, 2014 expiration date,
- A copy of the *Federal Register* notice.

Your employer may rely on the Federal Register notice as evidence of the continuing validity of your EAD. Go to the "Documentation Employers May Accept and Temporary Protected Status Beneficiaries May Present as Evidence of Employment Eligibility" Factsheet for more information. To access this link and more information about TPS, please visit our webpage at www.uscis.gov/tps and select your country of interest from the list.

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Do I qualify for late initial registration for South Sudan?

Are you a national of South Sudan, or a person without nationality who last habitually resided in South Sudan?

Yes

No

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Have you continuously resided in the U.S. since September 2, 2014?

Yes

No

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Have you been continuously physically present in the United States since November 3, 2014?

Yes

No

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During the initial registration period for South Sudan (September 2, 2014 through March 2, 2015), were you in a valid nonimmigrant status or granted voluntary departure or other relief from removal?

Yes

No

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During the initial registration period for South Sudan (September 2, 2014 through March 2, 2015), did you have an application pending for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which was pending or subject to further review or appeal?

Yes

No

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During the initial registration period for South Sudan (September 2, 2014 through March 2, 2015), were you a parolee or did you have a pending request for re-parole?

Yes

No

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During the initial registration period for South Sudan (September 2, 2014 through March 2, 2015), were you the spouse of an individual currently eligible for TPS and are you still the spouse of this individual?

Yes

No

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During the initial registration period for South Sudan (September 2, 2014 through March 2, 2015), were you the child (unmarried and under 21 years old) of an individual currently eligible for TPS?

Yes

No

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Sudan

OVERVIEW

Sudan was first designated for Temporary Protected Status (TPS) on November 4, 1997, for a period of 12 months, due to ongoing armed conflicts in the country. As a result, living conditions were deemed unsafe for nationals from Sudan in the United States to be required to return to their homeland. TPS for Sudan has been both re-designated and extended several times. Sudan was last re-designated for TPS effective May 3, 2013 through November 2, 2014. TPS for Sudan has been extended again for 18 months effective November 3, 2014 through May 2, 2016.

What is the initial registration period for Sudan?

What are the dates for the continuous residency and continuous physically presence in the United States for Sudan?

What are the eligibility requirements for re-registration for Sudan?

Where do I apply for TPS for Sudan?

Will I get an automatic extension of my Employment Authorization for Sudan?

Do I qualify for late initial registration for Sudan?

EAD extension dates and a synopsis of benefits for countries that are currently designated under the TPS Program

Note to Representative: If the customer has general questions about TPS/DED, click on the following link for General Information about TPS/DED

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What is the initial registration period for Sudan?

Sudan has had several "initial registration periods" after each designation or "re-designation." The first initial registration was from November 4, 1997 to November 3, 1998. The second "initial registration" was from Nov. 9, 1999 through Nov. 2, 2000. The third "initial registration" period was from October 7, 2004 through April 5, 2005. The most recent initial registration period was from **January 9, 2013 through July 8, 2013**. If you did not file during the most recent period, you may still qualify for late initial registration.

What are the dates for the continuous residency and continuous physically presence in the United States for Sudan?

Nationals from Sudan must have continuously resided in the U.S. since January 9, 2013 and been continuously physically present in the U.S. since May 3, 2013. There is an exception for certain brief, casual and innocent absences from the United States, but you will need to demonstrate that your departure meets the regulatory requirements for such departures in order to fall under the exception.

Criteria for the "brief, casual and innocent absence" exception to the "continuous residence" and "continuous physical presence" requirements for TPS

What are the eligibility requirements for re-registration for Sudan?

You Must:

Have Continuously Resided in the United States since...	Have been Continuously Physically Present in the United States since...	Have Applied and been approved for TPS...	Apply to Re-Register...
January 9, 2013	May 3, 2013	During any of the prior initial registration periods, or as a late initial registrant, and have been approved during each subsequent extension period.	Between September 2, 2014 through November 3, 2014.

How do I apply to re-register?

Can I re-register late?

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Where do I apply for TPS for Sudan?

Mail you applications for TPS (Form I-821) and Employment Authorization (Form I-765) to the following applicable address:

If you:	Then mail your application to:
Would like to send your application by U.S. Postal Service	USCIS Attn: TPS Sudan PO Box 6943 Chicago, IL 60680-6943
Would like to send your application by non-U.S. Postal Service	USCIS Attn: TPS Sudan 131 S. Dearborn, 3rd Floor Chicago, IL 60603-5517

Applicants applying for an extension of Temporary Protected Status under the current re-registration should submit the Form I-821 and Form I-765 in the same envelope. Applicants that submit the applications in separate envelopes may experience a significant processing delay or rejection.

Grant of TPS by an Immigration Judge or by the Board of Immigration Appeals:
If you were granted TPS by an Immigration Judge (IJ) or the Board of Immigration Appeals (BIA), and you wish to request an EAD or are re-registering for the first time following a grant by the IJ or BIA, please send your application to the address above. Upon receiving a Receipt Notice from USCIS, please send an email to TPSijgrant.vsc@uscis.dhs.gov with the receipt number and state that you submitted a re-registration and/or request for an EAD based on an IJ/BIA grant of TPS. You can find detailed information on what further information you need to email and email addresses on the USCIS TPS Web page at www.uscis.gov/tps.

Note to Representative: The email addresses provided above are solely for applicants to notify USCIS of their grant of TPS by the BIA or IJ. They are not for individual case status inquiries.

E-Filing:
You cannot e-file your application when re-registering or submitting a late initial registration for Somalia TPS. Please send your application to the address above.

For further information about TPS, please visit our Web page at www.uscis.gov/tps.

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Will I get an automatic extension of my Employment Authorization for Sudan?

DHS automatically extended the validity of current Employment Authorization Documents (EADs) issued under the TPS designation for Sudan for six months, from November 2, 2014 through May 2, 2015. This automatic extension allows sufficient time for TPS beneficiaries to apply for and receive their new EADs, with an expiration date of May 2, 2016, without any lapse in employment authorization.

To continue working legally, you may show the following documentation to your employer and government agencies:

- Your TPS-related EAD bearing a November 2, 2014 expiration date,
- A copy of the *Federal Register* notice.

Your employer may rely on the Federal Register notice as evidence of the continuing validity of your EAD. Go to the "Documentation Employers May Accept and Temporary Protected Status Beneficiaries May Present as Evidence of Employment Eligibility" Factsheet for more information. To access this link and more information about TPS, please visit our webpage at www.uscis.gov/tps and select your country of interest from the list.

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Do I qualify for late initial registration for Sudan?

Are you a national of Sudan, or a person without nationality who last habitually resided in Sudan?

Yes

No

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Have you continuously resided in the U.S. since January 9, 2013?

Yes

No

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Have you been continuously physically present in the United States since May 3, 2013?

Yes

No

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During the initial registration period for Sudan (January 9, 2013 through July 8, 2013), were you in a valid nonimmigrant status or granted voluntary departure or other relief from removal?

Yes

No

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During the initial registration period for Sudan (January 9, 2013 through July 8, 2013), did you have an application pending for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which was pending or subject to further review or appeal?

Yes

No

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During the initial registration period for Sudan (January 9, 2013 through July 8, 2013), were you a parolee or did you have a pending request for re-parole?

Yes

No

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During the initial registration period for Sudan (January 9, 2013 through July 8, 2013), were you the spouse of an individual currently eligible for TPS and are you still the spouse of this individual?

Yes

No

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During the initial registration period for Sudan (January 9, 2013 through July 8, 2013), were you the child (unmarried and under 21 years old) of an individual currently eligible for TPS?

Yes

No

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Syria

OVERVIEW

Syria was first designated for Temporary Protected Status (TPS) on March 29, 2012, for a period of 18 months until September 30, 2013. This designation of TPS for Syria is due to the ongoing armed conflict in the country. As a result of this armed conflict, living conditions were deemed unsafe for nationals of Syria to return to their homeland. TPS for Syria has been extended and re-designated several times. TPS was most recently extended for 18 months from April 1, 2015 through September 30, 2016. Syria has also been re-designated for TPS effective **April 1, 2015 through September 30, 2016**.

What is the initial registration period for Syria?

What are the eligibility requirements for initial registration for Syria?

What are the dates for the continuous residency and continuous physically presence in the United States for Syria?

What is the difference between the Extension of TPS and the Re-designation of TPS and what are the dates to apply for each?

What are the eligibility requirements for re-registration for TPS for Syria?

Where do I apply for TPS for Syria?

Will I get an automatic extension of my Employment Authorization for Syria?

Do I qualify for late initial registration for Syria?

EAD extension dates and a synopsis of benefits for countries that are currently designated under the TPS Program

Note to Representative: If the customer has general questions about TPS/DED, click on the following link for General Information about TPS/DED

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What is the initial registration period for Syria?

Syria's initial registration period was from March 29, 2012 to September 25, 2012. Also, Syria was re-designated for TPS and the current initial registration period for the re-designation is from **January 5, 2015 through July 6, 2015**. If you missed registering during the last initial registration period, you may qualify for late initial registration.

What are the dates for the continuous residency and continuous physically presence in the United States for Syria?

Nationals from Syria must have continuously resided in the U.S. since January 5, 2015 and been continuously physically present in the U.S. since April 1, 2015. There is an exception for certain brief, casual and innocent absences from the United States, but you will need to demonstrate that your departure meets the regulatory requirements for such departures in order to fall under the exception.

Criteria for the "brief, casual and innocent absence" exception to the "continuous residence" and "continuous physical presence" requirements for TPS

What is the difference between the Extension of TPS and the Re-designation of TPS and what are the dates to apply for each?

Extension - USCIS has extended TPS for another 18 months, effective April 1, 2015 through September 30, 2016. Therefore, individuals who have already been granted TPS under the Syria designation may re-register for TPS during the 60-day registration period from January 5, 2015 through March 6, 2015.

Re-designation - The original designation of TPS for Syria has been re-designated. The re-designation of TPS is effective April 1, 2015 through September 30, 2016. Individuals who currently do not have TPS may apply for TPS from January 5, 2015 through July 6, 2015. Individuals applying under the re-designation must have continuously resided in the United States since January 5, 2015 and must have been continuously physically present in the United States since April 1, 2015.

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What are the eligibility requirements for re-registration for TPS for Syria?

You Must:

Have Continuously Resided in the United States since...	Have been Continuously Physically Present in the United States since...	Have Applied and been approved for TPS...	Apply to Re-Register...
January 5, 2015	April 1, 2015	During the initial registration period or as a late initial registrant, and have been approved during each subsequent re-registration period.	Between January 5, 2015 through March 6, 2015

How do I apply to re-register?

Can I re-register late?

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Where do I apply for TPS for Syria?

Mail you applications for TPS (Form I-821) and Employment Authorization (Form I-765) to the following applicable address:

If you:	Then mail your application to:
Would like to send your application by U.S. Postal Service	USCIS Attn: TPS Syria PO Box 6943 Chicago, IL 60680-6943
Would like to send your application by non-U.S. Postal Service	USCIS Attn: Syria TPS 131 S. Dearborn 3rd Floor Chicago, IL 60603-5517

Applicants applying for an extension of Temporary Protected Status under the current re-registration should submit the Form I-821 and Form I-765 in the same envelope. Applicants that submit the applications in separate envelopes may experience a significant processing delay or rejection.

Grant of TPS by an Immigration Judge or by the Board of Immigration Appeals:
If you were granted TPS by an Immigration Judge (IJ) or the Board of Immigration Appeals (BIA), and you wish to request an EAD or are re-registering for the first time following a grant of TPS by the IJ or BIA, please mail you application to the appropriate address noted above. Upon receiving a Notice of Action (Form I-797) from USCIS, please send an e-mail to TPSijgrant.vsc@uscis.dhs.gov with the receipt number and state that you submitted a re-registration and/or request for an EAD based on an IJ/BIA grant of TPS. You can find detailed information on what further information you need to e-mail and the e-mail addresses on the USCIS TPS Web page at www.uscis.gov/tps.

Note to Representative: The email addresses provided above are solely for applicants to notify USCIS of their grant of TPS by the BIA or IJ. They are not for individual case status inquiries.

E-Filing:
You cannot electronically file your application when re-registering or applying for initial registration for Syria TPS. Please mail your application to the appropriate address noted above.

For further information about TPS, please visit our Web page at www.uscis.gov/tps.

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Will I get an automatic extension of my Employment Authorization for Syria?

DHS automatically extended the validity of current Employment Authorization Documents (EADs) issued under the TPS designation for Syria for six months, through September 30, 2015. This automatic extension allows sufficient time for TPS beneficiaries to apply for and receive their new EADs, with an expiration date of September 30, 2016, without any lapse in employment authorization.

To continue working legally, you may show the following documentation to your employer and government agencies:

- Your TPS-related EAD with a March 31, 2015, expiration date,
- A copy of the *Federal Register* notice.

Your employer may rely on the Federal Register notice as evidence of the continuing validity of your EAD. Go to the "Documentation Employers May Accept and Temporary Protected Status Beneficiaries May Present as Evidence of Employment Eligibility" Factsheet for more information. To access this link and more information about TPS, please visit our webpage at www.uscis.gov/tps and select your country of interest from the list.

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Do I qualify for late initial registration for Syria?

Are you a national of Syria, or a person without nationality who last habitually resided in Syria?

Yes

No

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Have you continuously resided in the U.S. since January 5, 2015?

Yes

No

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Have you been continuously physically present in the United States since April 1, 2015?

Yes

No

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During the initial registration period for Syria (January 5, 2015 through July 6, 2015) were you in a valid nonimmigrant status or granted voluntary departure or other relief from removal?

Yes

No

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During the initial registration period for Syria (January 5, 2015 through July 6, 2015), did you have an application pending for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which was pending or subject to further review or appeal?

Yes

No

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During the initial registration period for Syria (January 5, 2015 through July 6, 2015), were you a parolee or did you have a pending request for re-parole?

Yes

No

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During the initial registration period for Syria (January 5, 2015 through July 6, 2015), were you the spouse of an individual currently eligible for TPS and are you still the spouse of this individual?

Yes

No

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During the initial registration period for Syria (January 5, 2015 through July 6, 2015), were you the child (unmarried and under 21 years old) of an individual currently eligible for TPS?

Yes

No

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Yemen

OVERVIEW

Yemen was designated for Temporary Protected Status (TPS) on September 3, 2015, for a period of 18 months, due to ongoing armed conflict within the country. The DHS Secretary has determined that requiring the return of Yemeni nationals to their home country would pose a serious threat to their personal safety.

What is the initial registration period for Yemen?

What are the eligibility requirements for initial registration for Yemen?

What are the dates for the continuous residency and continuous physically presence in the United States for Yemen?

What are the eligibility requirements for re-registration for Yemen?

Where do I apply for TPS for Yemen?

Will I get an automatic extension of my Employment Authorization for Yemen?

Do I qualify for late initial registration for Yemen?

EAD extension dates and a synopsis of benefits for countries that are currently designated under the TPS Program

Note to Representative: If the customer has general questions about TPS/DED, click on the following link for General Information about TPS/DED

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What is the initial registration period for Yemen?

Yemen's initial registration period is from **September 3, 2015 through March 1, 2016**.

What are the eligibility requirements for initial registration for Yemen?

You Must:

Have Continuously Resided in United States since...	Have been Continuously Physically Present in the United States since...	Apply to Register...
September 3, 2015	September 3, 2015	September 3, 2015 through March 1, 2016.

How do I Apply for Initial Registration

What are the dates for the continuous residency and continuous physically presence in the United States for Yemen?

Nationals from Yemen must have continuously resided in the U.S. since September 3, 2015 and been continuously physically present in the U.S. September 3, 2015. There is an exception for certain brief, casual and innocent absences from the United States, but you will need to demonstrate that your departure meets the regulatory requirements for such departures in order to fall under the exception.

Criteria for the "brief, casual and innocent absence" exception to the "continuous residence" and "continuous physical presence" requirements for TPS

What are the eligibility requirements for re-registration for Yemen?

TPS applications are currently being accepted for Yemen and re-registration does not apply.

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Where do I apply for TPS for Yemen?

Mail you applications for TPS (Form I-821) and Employment Authorization (Form I-765) to the following applicable address:

If you:	Then mail your application to:
Would like to send your application by U.S. Postal Service	USCIS Attn: Yemen TPS P.O. Box 7555 Chicago, IL 60680
Would like to send your application by non-U.S. Postal Service	USCIS Attn: Yemen TPS 131 S. Dearborn 3rd Floor Chicago, IL 60603-5517

Applicants applying for Temporary Protected Status should submit the required Form I-821 and Form I-765 together in the same envelope. Applicants that submit the applications in separate envelopes may experience a significant processing delay or rejection.

Grant of TPS by an Immigration Judge or by the Board of Immigration Appeals:
If you were granted TPS by an Immigration Judge (IJ) or the Board of Immigration Appeals (BIA), and you wish to request an EAD, please mail your application to the appropriate address in the table above. Upon receiving a Receipt Notice from USCIS, please send an e-mail to the service center handling your application with the receipt number and state that you submitted a request for an EAD based on an IJ/BIA grant of TPS. You can find detailed information on what further information you need to e-mail and the e-mail addresses on the USCIS TPS Web page at www.uscis.gov/tps.

Note to Representative: The email addresses provided above are solely for applicants to notify USCIS of their grant of TPS by the BIA or IJ. They are not for individual case status inquiries.

E-Filing:
You cannot electronically file your application packet when applying for initial registration for TPS. Please mail your application packet to the mailing address listed above.

For further information about TPS, please visit our Web page at www.uscis.gov/tps.

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Will I get an automatic extension of my Employment Authorization for Yemen?

There is currently no automatic extension of employment authorization available for Yemen.

Do I qualify for late initial registration for Yemen?

TPS applications are currently being accepted for Yemen and re-registration does not apply.

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Are you a national of Yemen, or a person without nationality who last habitually resided in Yemen?

Yes

No

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Have you continuously resided in the U.S. since September 3, 2015?

Yes

No

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Have you been continuously physically present in the United States since September 3, 2015?

Yes

No

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During the initial registration period for Yemen (September 3, 2015 through March 1, 2016), were you in a valid nonimmigrant status or granted voluntary departure or other relief from removal?

Yes

No

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During the initial registration period for Yemen (September 3, 2015 through March 1, 2016), did you have an application pending for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which was pending or subject to further review or appeal?

Yes

No

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During the initial registration period for Yemen (September 3, 2015 through March 1, 2016), were you a parolee or did you have a pending request for re-parole?

Yes

No

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During the initial registration period for Yemen (September 3, 2015 through March 1, 2016), were you the spouse of an individual currently eligible for TPS and are you still the spouse of this individual?

Yes

No

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During the initial registration period for Yemen (September 3, 2015 through March 1, 2016), were you the child (unmarried and under 21 years old) of an individual currently eligible for TPS?

Yes

No

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Do you meet any of the following conditions?

- You are still currently in valid nonimmigrant status, voluntary departure status, or other relief from removal status OR
- It has been 60 days or less since your valid nonimmigrant status, voluntary departure, or other relief from removal expired.

Yes

No

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Do you meet any of the following conditions?

- Your application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal is still currently pending or subject to further review or appeal, OR
- It has been 60 days or less since your asylum, adjustment, change of status, voluntary departure application was decided (approved or denied), or all appeals decided.

Yes

No

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Do you meet any of the following conditions?

- You are currently still a parolee, you still have a pending request for re-parole, OR
- It has been 60 days or less since your parolee status expired or your application for re-parole was decided (approved or denied).

Yes

No

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From the responses you have provided, it appears you may wish to file for late initial registration. If you choose to file, you'll need both Form I-821 and Form I-765. These forms are available on our website at www.uscis.gov/forms.

What are the application procedures and fees for late initial registration?

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From the responses you have provided, it appears that late initial registration is not right for you. If you believe this determination is incorrect and decide to file, please be aware that your application may be denied.

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Synopsis of benefits for countries that are currently designated under the TPS or DED Program:

Country:	*Current Expiration:*	*TPS Initial Registration Period:*	*TPS Re-Registration Period:*	*EAD 6-month automatic extension valid through:*
El Salvador	September 9, 2016	March 9, 2001 – September. 9, 2002	January 7, 2015 – March 9, 2015	September 9, 2015 - auto extension after filing for re-registration and visiting ASC, if requested
Guinea	May 21, 2016	November 21, 2014 – August 18, 2015	Not Applicable	Not Applicable
Haiti	July 22, 2017	May 19, 2011 – November 15, 2011	August 25, 2015 – October 26, 2015	July 22, 2016 — auto extension after filing for re-registration and visiting ASC, if requested.
Honduras	July 5, 2016	January 5, 1999 – July 5, 1999	October 16, 2014 – December 15, 2014	July 5, 2015 - auto extension after filing for re-registration and visiting ASC, if requested
Liberia (DED)	September 30, 2016 under DED	Not Applicable	No re-registration period applies. DED valid from October 1, 2014 through September 30, 2016. DED-covered individuals should apply for new EADs.	March 30, 2015 - auto extension under DED for EADs with an expiration date of September 30, 2014. DED-covered individuals should apply for new EADs.
Liberia (TPS)	May 21, 2016	November 21, 2014 – August 18, 2015	Not Applicable	Not Applicable
Nepal	December 24, 2016	June 24, 2015 – December 21, 2015	Not Applicable	Not Applicable
Nicaragua	July 5, 2016	January 5, 1999 – July 5, 1999	October 16, 2014 – December 15, 2014	July 5, 2015 - auto extension after filing for re-registration and visiting ASC, if requested
Sierra Leone	May 21, 2016	November 21, 2014 – August 18, 2015	Not Applicable	Not Applicable
Somalia	March 17, 2017	May 1, 2012 – October 29, 2012	June 1, 2015 – July 31, 2015	No Automatic Extension
South Sudan	May 2, 2016	September 2, 2014 – March 2, 2015	September 2, 2014 – November 3, 2014	May 2, 2015 - auto extension after filing for re-registration and visiting ASC, if requested
Sudan	May 2, 2016	January 9, 2013 – July 8, 2013	September 2, 2014 – November 3, 2014	May 2, 2015 - auto extension after filing for re-registration and visiting ASC, if requested
Syria	September 30, 2016	January 5, 2015 – July 6, 2015	January 5, 2015 – March 5, 2015	September 30, 2015 - auto extension after filing for re-registration and visiting ASC, if requested
Yemen	March 3, 2017	September 3, 2015 – March 1, 2016	Not Applicable	Not Applicable

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None of these Options

It appears that TPS is not right for you because the country of which you claim you are a citizen or national has not been designated by the Secretary of Homeland Security as a TPS recipient.

Note to Representative: If the customer has general questions about TPS/DED, click on the following link for General Information about TPS/DED

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Chapter 2 General Information about TPS/DED

What information or benefit are you seeking? (Select one below)

Unit 1 General Information about TPS (What is TPS, What is DED, Travel with TPS, etc.)

Unit 2 Information about Late Initial Registration for TPS (Did Not Register During Initial Registration Period)

Unit 3 Information about Re-Registration for TPS

Unit 4 Information about Employment for TPS Registrants

Unit 5 Changing Your Address with USCIS

Unit 6 Information about Application Support Center Biometric Appointments

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Unit 1 General Information about TPS (What is TPS, What is DED, Travel with TPS, etc.)

OVERVIEW

The Secretary of Homeland Security has authority to designate a country for Temporary Protected Status (TPS) for 6 to 18 months if:

- There is an ongoing armed conflict within the country that would pose a serious threat to the personal safety of nationals of that country if they returned; or
- The country has suffered an environmental disaster resulting in a substantial, temporary disruption of living conditions and is therefore unable to adequately handle the return of its nationals and the foreign state has requested TPS; or
- Other extraordinary and temporary conditions in the country prevent nationals of that country from returning in safety, unless the Secretary finds that permitting such nationals to remain in the United States temporarily is contrary to U.S. national interest.

Frequently Asked Questions

What is TPS?

What is Deferred Enforced Departure (DED)?

How Can I Find Out if My Home Country Has been Designated as a TPS Country?

How Do I Apply for TPS?

What might make me ineligible for TPS?

When Can I Apply for TPS?

What is initial registration?

Is There a Time Limit on TPS?

Will I be Authorized to Work?

What are the criteria for the "brief, casual and innocent absence" exception to the "continuous residence" and "continuous physical presence" requirements for TPS?

Can Travel Outside the U.S. and Return under TPS?

What is unlawful presence? If I violate the terms and conditions of my status or have been in the U.S. without lawful status and then leave the U.S. will I be able to come back?

How does an application for TPS affect my application for Asylum or other immigration benefits?

Synopsis of benefits for countries that are currently designated under the TPS Program

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What is TPS?

The Secretary of Homeland Security can designate a country under the Temporary Protected Status (TPS) laws based on certain events, such as natural disasters or on-going armed conflicts. Other extraordinary and temporary conditions in the country may also result in a TPS designation. Nationals of a TPS-designated country, or persons having no nationality who last habitually resided in the country who can demonstrate that they have been continuously residing *and* continuously physically present in the U.S. since certain dates that are specified in the *Federal Register* notice announcing the Secretary's decision to designate the country for TPS, may be able to apply to stay temporarily and get work authorization until the Secretary determines that conditions have changed in their country, allowing them to return home safely. TPS is not asylum, not an amnesty, and it does not lead to permanent residence. The program is intended to assist people in crisis situations and designations are usually for twelve to eighteen months, although they are often extended following the Secretary's review of country conditions.

What is Deferred Enforced Departure (DED)?

Although Deferred Enforced Departure (DED) is not a specific immigration status, individuals covered by DED are not subject to enforcement actions to remove them from the United States, usually for a designated period of time. The President has discretion to authorize DED under his constitutional authority to conduct foreign relations. When presidents have exercised their discretion to provide DED to a certain group of individuals, they generally direct the Executive Branch agencies, such as the Department of Homeland Security (DHS), to take steps to implement appropriate procedures to apply DED and related benefits, such as employment authorization, to those individuals. Only certain nationals of Liberia who previously had TPS as of September 30, 2007 are now covered by DED. To continue being covered by DED, such Liberians must meet the requirements of President Obama's last DED directive. Click here for criteria for Liberian DED

How Can I Find Out if My Home Country Has been Designated as a TPS Country?

When the decision is made to designate, re-designate, or extend a country under TPS, an announcement will be made in a government publication called the ***Federal Register.*** Terminations of TPS designations are also announced in this publication. The ***Federal Register*** can be viewed at most public libraries or on the internet at www.gpoaccess.gov/fr/index. Be sure to read the ***Federal Register*** notice very carefully.

TPS designations, extensions, terminations, and other related information will also be published on our web site at www.uscis.gov/tps.

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How Do I Apply for TPS?

Because each country designated for TPS has specific requirements, we ask that you review those country-specific requirements before filing. For more information about TPS, please see our website at www.uscis.gov/tps and select your country of interest from the list.

After reviewing the country-specific requirements, to apply for TPS, file Forms:

1. I-821, Application for Temporary Protected Status and
2. I-765, Application for Employment Authorization.

You must use the version of Form I-821 dated 2/20/14. Prior versions of Form I-821 will not be accepted after July 31, 2014. You must use the version of Form I-765 dated 5/27/08 or later. Previous versions of these forms will be rejected. The version date of the forms can be seen in the bottom left-hand side of each page. These forms are available on our website. ***Form I-765 must be submitted, even if you are not requesting permission to work***. Please submit Forms I-821 and I-765 together in the same envelope. Please read all instructions carefully before filing your application(s). If you have questions after you read the instructions, please see our website at www.uscis.gov.

Each TPS applicant must meet all of the individual eligibility requirements for TPS. You must also have completed a separate application package for each applicant. (Example: family of five would file five packages)

Note to Representative: If customer is calling about Liberia, please read the following: If you recently applied to renew your EAD under DED and USCIS accepted your application, you are still required to submit a Form I-765, Application for Employment Authorization, along with Form I-821, Application for Temporary Protected Status, but you will not have to pay the application fee for Form I-765.

Note to Representative: Choose one of the topics from the list below for more information on TPS registration procedures if the customer wants more information.

Information about Late Initial Registration for TPS (Person Did **NOT** Register During Initial Registration Period)

Information about Re-Registration for TPS (Person Has TPS and Wants to Re-register under Country's TPS Extension)

What might make me ineligible for TPS?

Any one of the following conditions may make you ineligible for TPS:

- A person who has been convicted of a felony or two or more misdemeanors committed in the United States.
- A person subject to several other criminal and security-related bars to asylum.
- A person who does not meet the nationality, continuous residence and continuous presence requirements may also be ineligible.
- A person who is subject to certain non-waivable grounds of inadmissibility, or who is not granted a waiver for certain other applicable grounds of inadmissibility.
- A person who fails to file a timely application for TPS or who cannot meet the Late Initial Filing requirements.
- A person who fails to re-register properly after obtaining TPS.

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When Can I Apply for TPS?

You can apply during the initial registration period for your country. Certain individuals may also qualify as "Late Initial Filers" (LIFs) in certain circumstances and be able to apply after the registration dates if they meet the LIF criteria.

Note to Representative: For country specific information about when the customer can apply, return to the first page of the TPS volume (TPS) and select the link for the appropriate country:

What is initial registration?

Initial registration is the first time period made available for nationals from a specific country that has been designated for Temporary Protected Status (TPS) or persons having no nationality who last habitually resided in that country to file the applications, with fees, to obtain TPS. This initial registration period will run for at least 180-days. Procedures for registering during this period are included in the ***Federal Register*** notice that DHS publishes announcing the Secretary's decision to designate the particular country for TPS.

Sometimes the Secretary will "re-designate" a country for TPS, which is not the same as an "extension" of the existing TPS designation. Under a "re-designation," there will be a new 180-day or longer registration period and certain nationals from the re-designated country may become eligible for TPS who were not previously eligible.

Is There a Time Limit on TPS?

The time periods and certain other requirements are specific to the country being designated or re-designated and will be outlined in the ***Federal Register.*** TPS designations, extensions, and other related information will also be published on our web site at www.uscis.gov. The maximum length of an extension period for TPS is 18 months, although the specific lengths of designation vary by country.

Will I be Authorized to Work?

Form I-765, *Application for Employment Authorization*, **must be filed with** Form I-821, *Application for Temporary Protected Status*, whether you wish to obtain employment authorization or not. If you submit the proper filing fee with Form I-765 and your application is approved, you will be given an Employment Authorization Document (EAD). Under certain circumstances, you may be provided with the EAD while your TPS application is pending.

What are the criteria for the "brief, casual and innocent absence" exception to the "continuous residence" and "continuous physical presence" requirements for TPS?

A brief, casual and innocent absence means a departure from the United States that

- was of short duration and reasonably calculated to accomplish the purpose(s) for the absence;
- was **not** the result of an order of deportation, voluntary departure, or an administrative grant of voluntary departure; and
- was not for purposes contrary to law OR did not involve actions outside of the United States that were contrary to law.

If you left the United States with specific, approved authorization of DHS – for example, on an Advance Parole document – and returned within the time period authorized on that document, you should inform USCIS of that fact when you apply for or re-register for TPS. It may be a significant factor in deciding whether you still meet the "continuous residence" and "continuous presence" requirements for TPS.

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Can Travel Outside the U.S. and Return under TPS?

If you are granted TPS, you may apply for advance parole by filing *Form I-131, Application for Travel Document*. If approved, you'll be given an advance parole document. An advance parole document allows you to depart the U.S. and re-enter as long as the advance parole document remains valid. Advance parole cannot be granted for longer than the period of time your country is designated for TPS. If you leave the United States without requesting advance parole, you may lose TPS and you may not be permitted to re-enter the United States.

Given the Ebola Virus Disease (EVD)-related basis for the designations of Liberia, Guinea, and Sierra Leone for TPS, requests for advance parole for travel to one or more of these three countries will not be approved except in extraordinary circumstances. If you are granted advance parole to travel to Liberia, Guinea or Sierra Leone, like other aliens who are granted advance parole, you are not guaranteed parole into the United States. A separate decision regarding your ability to enter will be made when you arrive at a port-of-entry upon your return.

If you are considering traveling outside the United States, you can visit the Department of States' website at www.state.gov for information in Travel Alerts and Warnings.

What is unlawful presence? If I violate the terms and conditions of my status or have been in the U.S. without lawful status and then leave the U.S. will I be able to come back?

A person is unlawfully present in the United States if he or she remains in the U.S. after the expiration of their authorized period of stay as noted on their stamped passport or their I-94 Arrival-Departure Document or if they entered the U.S. without being admitted or paroled at a Port of Entry.

Unlawful presence can affect your eligibility to reenter the United States. During the period that you have TPS, you will not accrue unlawful presence. However, if you had any time in the United States when you were not in lawful status before or after you held TPS, you may be barred from obtaining certain other immigration benefits later, such as adjustment of status to permanent resident, especially if you have departed the United States and triggered the unlawful presence inadmissibility bars.

How does an application for TPS affect my application for Asylum or other immigration benefits?

An application for TPS does not affect an application for asylum or any other immigration benefit and vice versa.

- Denial of an application for asylum or any other immigration benefit does not affect your ability to register for TPS, although the grounds of denial of that application may also lead to denial of TPS. For example, if you have been convicted of an aggravated felony you are not eligible for asylum or TPS.
- If you have a family or an employment-based petition approved on your behalf and a priority date that is current, you can only adjust status in the United States if you were inspected and admitted, or paroled, and have maintained lawful status while in the United States. If you entered the United States illegally or fell out of a legal status before or after having TPS, you may be ineligible to adjust status in the United States. For adjustment purposes, the time that a person is in TPS is considered as a period of lawful non-immigrant status, but merely having TPS does not "cure" all other periods of time before and after TPS when the person may not have had lawful status.

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Unit 2 Information about Late Initial Registration for TPS (Did Not Register During Initial Registration Period)

General FAQs about Late Initial Registration

What is late initial registration?

Am I eligible for late initial registration?

What are the application procedures and fees for late initial registration?

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What is late initial registration?

If you missed the initial registration period for your country, you may still be able to apply for TPS under late initial registration in certain circumstances.

Am I eligible for late initial registration?

To qualify to file your initial TPS application late, you must meet at least one of the late initial filing conditions below:

- During any initial registration period of your country's designation you met one of the following conditions, and you register while the condition still exists or within a 60-day period immediately following the expiration or termination of such condition
  - You were a nonimmigrant, were granted voluntary departure status, or any relief from removal
  - You had an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which was pending or subject to further review or appeal
  - You were a parolee or had a pending request for re-parole
  - You are a spouse of an individual who is currently eligible for TPS

OR

- During any initial registration period of your country's designation you were a child ((unmarried and under 21 years old) of an individual who is currently eligible for TPS. There is no time limitation on filing if you meet this condition.

Even if you can file a late initial application for TPS, you still must meet all of the individual eligibility criteria for TPS, including but not limited to:

1. Must be a national of your country of origin (Example: El Salvador) or a person who has no nationality but who last habitually resided in a designated country;
2. Must have continuously resided in the United States since a specific date - specific to the designated country;
3. Must have been continuously physically present in the United States since a specific date - specific to the designated country;
4. Must be admissible as an immigrant, except as provided under section 244(c)(2)(A) of the Act and in 8 CFR 244.3, and not ineligible under section 244(c)(2)(B)

Note to Representative: For country specific information about initial registration period or late initial registration, return to the first page of the TPS volume (TPS) and select the link for the appropriate country. TPS applications are currently being accepted for Liberia, Guinea, Sierra Leone, and South Sudan so late initial registration is not available for those countries.

Back to Late Initial Registration TPS by Country Main Menu

What are the application procedures and fees for late initial registration?

To file for late initial registration, you must complete the following steps:

- Provide evidence that you are eligible to file for late initial registration, such as the admission stamp on your passport, Form I-94 showing your previous status as a nonimmigrant or parolee during the initial registration period for your TPS country (you can obtain a copy of your I-94 at www.cbp.gov/I94), or evidence that you had a pending application for adjustment of status, change of status, asylum, or voluntary departure during the initial registration period, or evidence that your request for relief from removal was on appeal or subject to further review during the initial registration period.
  - If during the initial registration period, you were the spouse or the child of a person who is currently eligible for TPS, then you must provide evidence of that relationship.

- Complete Form I-821, Application for Temporary Protected Status, with filing fee or properly documented request for fee waiver.
  - Follow all instructions on the Form I-821, including any instructions regarding grounds of inadmissibility or other grounds of ineligibility that may apply to you.

- Complete Form I-765, Application for Employment Authorization [Document] (EAD). Include filing fee, unless a properly documented fee waiver request is submitted, or you do not wish to obtain an employment authorization document.

- Submit a biometric service fee if you are age 14 or older, or submit a properly documented fee waiver request.

- Provide evidence of your identity and that you are a national of your country of origin, such as a passport, birth certificate, identity card or previously issued USCIS document. If you have no nationality (*i.e.,* you are "stateless"), then present evidence that you last habitually resided in the TPS country.

- If any of the conditions that permit you to file your TPS application late have expired, then you must also present evidence that you are filing your late application no later than 60 days after that condition expired.

Please refer to the latest Federal Register notice regarding TPS for your country, or to the USCIS website at www.uscis.gov/tps for additional information on late initial filing.

Back to Late Initial Registration TPS by Country Main Menu

Unit 3 Information about Re-Registration for TPS

OVERVIEW

Re-registration is the period following the extension of TPS status for a particular country during which an alien applies for an extension of TPS benefits. The Secretary of DHS reviews the need or status of TPS for a country and makes the determination whether or not the TPS should be extended. In some cases, the TPS designation is terminated. In some cases the country is re-designated (extended) for specific periods of time. In any case, the Secretary's determination is published in the Federal Register with very specific rules regarding employment authorization and periods of re-designation or termination.

FAQS about Re-Registration for TPS

What are the eligibility requirements for re-registration under TPS?

Do I have to re-register for TPS if I currently have TPS?

If I am currently registered for TPS, how do I re-register?

Can I re-register late?

If I have an application for TPS pending, do I still re-register for TPS?

Does this extension allow me to apply if I entered after the date my country was designated?

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What are the eligibility requirements for re-registration under TPS?

Re-registration is limited to persons who have been granted Temporary Protected Status and currently hold that status. You must be a national of the country of origin, or if you have no nationality, you last habitually resided in the designated country. Each TPS designation is different. The requirements for registration or re-registration are also specific to the country that has been designated.

Note to Representative: For country specific information about re-registration, return to the first page of the TPS volume (TPS) and select the link for the appropriate country.

Do I have to re-register for TPS if I currently have TPS?

Yes. You must re-register during the TPS re-registration period for your country in order to maintain your benefits. TPS benefits include temporary protection against removal from the United States, as well as work authorization, during the TPS designation period and any extension.

Individuals may re-register after the close of the re-registration period only if they demonstrate good cause for failing to file during the re-registration period. If you are late filing your TPS re-registration application, processing may be delayed and can lead to gaps in your work authorization.

Please note that failure to re-register during the re-registration period without good cause is a basis for withdrawal of TPS status.

Note to Representative: For country specific information about re-registration, return to the first page of the TPS volume (TPS) and select the link for the appropriate country.

Back to: Re-Registration TPS by Country Main Menu

If I am currently registered for TPS, how do I re-register?

All persons who previously registered for TPS under the program for their country of nationality who wish to maintain such status must re-register during specific time periods when their country's TPS designation is extended. . Within the re-registration time period, as described in the Federal Register notice for your country's TPS extension, you will need to:

- Complete Form I-821, Application for Temporary Protected Status, without the filing fee;
- Complete Form I-765, Application for Employment Authorization, with the fee or a fee waiver request, if you are requesting an EAD. **If you are not requesting an EAD, you must still complete and submit Form I-765 without the fee for data collection purposes;**
- Applicants for re-registration who are age 14 and older will have a full set of biometrics (fingerprints, photograph, and a signature) collected at an Application Support Center (ASC). USCIS may, in its discretion, waive the collection of certain biometrics such as fingerprints and signatures.
- TPS applicants under 14 years of age who are not filing for an EAD are exempt from biometrics collection.

A note about fees: Checks and money orders must be made out to the Department of Homeland Security, except if you live in Guam or the U.S. Virgin Islands. If you live in Guam, the check or money order should be made out to "Treasurer, Guam." If you live in the U.S. Virgin Islands, make the check or money order payable to the "Commissioner of Finance of the Virgin Islands."

Applicants must submit Form I-821 and Form I-765 together in the same envelope. A Form I-821 filed without a Form I-765 in the same envelope will be rejected and returned to you.

For more information about TPS, please visit our Web page at www.uscis.gov/tps.

Can I re-register late?

USCIS may accept a late re-registration application if you have good cause for filing after the end of the re-registration period of your country. You must submit a letter that explains your reason for filing late with your re-registration application.

If you file your TPS re-registration application late, processing may be delayed and can lead to gaps in your work authorization.

If I have an application for TPS pending, do I still re-register for TPS?

Yes. You must re-register for the TPS during the re-registration period in order to be eligible for continued benefits under this extension.

Does this extension allow me to apply if I entered after the date my country was designated?

No. This is a notice of extension of the TPS designation for your country of origin, not a re-designation of the program. An extension of TPS does not change the required dates of continuous residence and continuous physical presence in the United States. This extension does not expand TPS availability to those who are not already TPS class members.

Note to Representative: For country specific information about when the customer can apply, return to the first page of the TPS volume (TPS) and select the link for the appropriate country:

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Unit 4 Information about Employment for TPS Registrants

OVERVIEW

TPS registrants may apply for employment authorization. This allows them to work within the United States lawfully during the period authorized on their employment authorization document. Employment authorization benefits usually expire at the time TPS expires and typically must be extended when re-registering. Regardless of whether the TPS applicant wants employment authorization or not, he/she must file a Form I-765 as an integral part of the registration packet. If the applicant wants employment authorization, he/she pays the fee for Form I-765. If he/she does not want employment authorization, the fee for form I-765 is not required.

FAQs Regarding TPS and Employment Authorization

What do I do if I do not want an Employment Authorization Document, when I register or re-register for TPS?

What do I do if I want an Employment Authorization Document, when I register or re-register for TPS?

What do I do if I want an Employment Authorization Document, after I have already registered or re-registered for TPS?

Will USCIS grant an automatic extension of an expiring EAD for TPS?

Can I file my application (Form I-765) electronically?

What can I tell my employer about how to determine which EAD has been automatically extended and acceptable for completion of the Form I-9?

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What do I do if I do not want an Employment Authorization Document, when I register or re-register for TPS?

If you do not want an employment authorization document, you still need to submit Form I-765, Application for Employment Authorization, along with Form I-821, Application for Temporary Protected Status, when you file initially for TPS or re-register for TPS. However, you do not need to submit the fee for Form I-765, but you must still submit the form. These forms can be accessed from our website at www.uscis.gov/forms.

Applicants applying for an extension of Temporary Protected Status under the current re-registration should submit the required Form I-821 and Form I-765 in the same envelope at the designated lockbox. Applicants that submit the applications in separate envelopes may experience a significant processing delay.

What do I do if I want an Employment Authorization Document, when I register or re-register for TPS?

When you apply initially for TPS or re-register for TPS, you will need to submit Form I-765, Application for Employment Authorization, with the appropriate fee, if the fee is applicable to you, or fee waiver request, and submit it along with Form I-821, Application for Temporary Protected Status. These forms can be accessed from our website at www.uscis.gov/forms.

Applicants applying for an extension of Temporary Protected Status under the current re-registration should submit the required Form I-821 and Form I-765 in the same envelope at the designated lockbox. Applicants that submit the applications in separate envelopes may experience a significant processing delay.

What do I do if I want an Employment Authorization Document, after I have already registered or re-registered for TPS?

If you have already registered or re-registered for TPS, you will need to submit Form I-765, Application for Employment Authorization, with the appropriate fee, if applicable, or a fee waiver request, along with your most recent receipt notice or approval notice for Form I-821, Application for Temporary Protected Status. These forms can be accessed from our website at www.uscis.gov/forms.

Will USCIS grant an automatic extension of an expiring EAD for TPS?

Sometimes DHS may issue a blanket automatic extension of the expiring EADs for TPS beneficiaries of a specific country in order to allow time for EADs with new validity dates to be issued.

Note to Representative: For country specific information about extension of EADs, return to the first page of the TPS volume (TPS) and select the link for the appropriate country.

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Can I file my application (Form I-765) electronically?

Yes. Electronic filing is available for Form I-765. Please visit our website www.uscis.gov/forms and select Instructions for Electronically Filing Form I-765 to check if you qualify electronically.

What can I tell my employer about how to determine which EAD has been automatically extended and acceptable for completion of the Form I-9?

If an automatic extension of employment authorization has been granted, you need to show your expired or expiring EAD and a copy of that Federal Register notice. Your employer must accept this as evidence of continuing eligibility until the date the automatic extension expires as indicated in the Federal Register notice.

Check the Federal Register for the country of your origin. The Federal Register can be found at www.gpoaccess.gov/fr/index. On the left-hand side of the homepage, click on "GPO's Federal Digital System." On the next page, navigate to the right-hand side of the webpage and under "Browse", select "Federal Register". From there navigate to the date that TPS or Deferred Enforced Departure (DED) was extended for your country and then select Homeland Security Department to access the Notice.

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Unit 5 Changing Your Address with USCIS

If You do Not Have a Case Pending with USCIS

If You Have a Pending Case

ASC Appointment Notice Information

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If You do Not Have a Case Pending with USCIS

Most non-United States (U.S.) citizens who are in the U.S. are *required* by law to notify us of any change of address within 10 days after moving to a new address. To notify us of your change of address, you must file a Form AR-11, *Change of Address*. Form AR-11 can now be completed electronically on our website at www.uscis.gov.

If You Have a Pending Case

Even though it is not required by law, if you have filed any application or petition with us and it is still pending a decision, you will want to keep us informed of any change of address so you can get any notices or decisions from us. To notify us of your change of address you can call the USCIS National Customer Service Center at 1-800-375-5283 or you can file the Form AR-11, *Change of Address*. Form AR-11 can now be completed electronically on our website at www.uscis.gov.

ASC Appointment Notice Information

Initial TPS applicants and re-registrants who are age 14 and older, after filing, will receive a notice either giving them an appointment at their nearest Application Support Center (ASC) to come in and have their photograph and fingerprints taken for their new EAD, or if their biometric information on file can be reused, they will receive a notice informing them that it will be unnecessary for them to come in to an ASC Office. In either case, however, they will still need to pay the biometric service fee or be granted a fee waiver following an appropriately documented request. (The processing centers also ask that a TPS applicant or re-registrant allow a minimum of four months from filing before checking on the status of their application.)

The "Notice to Form I-821 Applicants" will have a 'Code' field, or box, in the center top third line of the notice, which will indicate 'NA'. This will mean the applicant's biometrics on file can be re-used, and that he or she is not required to appear at an ASC for photographing and fingerprinting. The "ASC Appointment Notice" will have a 'Code' field, or box, in the right top second line of the Notice with a 1 through 3, in this field, which will mean that the applicant is required to appear at an ASC for photos and fingerprinting. In all cases, this information will also be explained in the lower body of each Notice.

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Unit 6 Information about Application Support Center Biometric Appointments

How will I know if I have to report to a USCIS Application Support Center (ASC) to submit biometrics?

What documents should I bring to my ASC appointment?

What will happen if I do not appear at the ASC?

Appointment notice information for nationals of El Salvador, Honduras and Nicaragua

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How will I know if I have to report to a USCIS Application Support Center (ASC) to submit biometrics?

USCIS will mail you a notice with instructions detailing whether you are required to appear at a USCIS ASC for biometrics collection.

What documents should I bring to my ASC appointment?

When you report to an ASC, you must bring the following documents:

- An identity document with photograph;
- Your receipt notice for your application;
- Your ASC appointment notice; and
- Your current EAD if you have been issued one.

What will happen if I do not appear at the ASC?

Failure to appear at an ASC for a required appointment will result in denial of your case due to abandonment unless you submit, and USCIS has received, an address change notification or a rescheduling request before your appointment, and USCIS excuses your failure to appear.

Appointment notice information for nationals of El Salvador, Honduras and Nicaragua

TPS Re-Registrants, who are age 14 and older, after filing, will receive a notice that either

- Gives them an appointment at their nearest Application Support Center (ASC) to come in and have their photograph and fingerprints taken for their new EAD, or
- Indicates that their current **biometric information** on file can be reused (They will not need to come in to an ASC Office. They will receive their new card in the mail.)

In either case, applicants must pay the biometric service fee or file a properly documented fee waiver request. The fee or fee waiver request must be filed with the Form I-821 TPS application or the Lockbox will reject the application.

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Chapter 1 Cuban Family Reunification Parole (CFRP) Program

Cuban Family Reunification Parole Program

Created in 2007, the Cuban Family Reunification Parole (CFRP) Program allows certain eligible U.S. citizens and lawful permanent residents to apply for parole for their family members in Cuba. If granted parole, these family members may come to the United States without waiting for their immigrant visa priority dates to become current. Once in the United States, CFRP Program beneficiaries may apply for work authorization while they wait to apply for lawful permanent resident status.

To be eligible for the CFRP Program:

- You must have an approved Form I-130, Petition for Alien Relative, for a Cuban family member;
- An immigrant visa must not yet be available for your relative;
- You must receive an invitation from the Department of State's National Visa Center (NVC) to participate in the CFRP Program;
- The beneficiary must be a Cuban national residing in Cuba.

You must **not** submit any application materials to USCIS before first receiving the invitation letter from the NVC. If you believe you may be eligible for the CFRP Program, please make sure that NVC has your current mailing address. You can contact the NVC with your current address by calling (603) 334-0700 or emailing asknvc@state.gov.

As of February 17, 2015, USCIS will require the filing of an Application for Travel Document (Form I-131) and payment of its fee or approval of a fee waiver request from individuals who are applying for the CFRP Program on behalf of a beneficiary in Cuba.

No form or fee is currently required for the CFRP Program. A petitioner who received a CFRP Program eligibility notice dated prior to December 18, 2014 must submit to the NVC the complete required documentation to apply for the CFRP Program before February 17, 2015 to be eligible for processing without a form and fee. Otherwise, the petitioner cannot apply for the program until the petitioner receives a written invitation to apply to the CFRP Program using the required form and fee.

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Chapter 2 Haitian Family Reunification Parole (HFRP) Program

Frequently Asked Questions

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What is the Haitian Family Reunification Parole (HFRP) Program?

The Haitian Family Reunification Parole (HFRP) Program allows certain eligible U.S. citizens and lawful permanent residents to apply for parole for their family members in Haiti. If granted, the parole allows these family members to come to the United States up to two years before their immigrant visa priority dates becomes current. Once in the United States, these individuals may then apply for work authorization while they are waiting to apply for lawful permanent resident status.

Who is eligible to apply for the HFRP Program?

To be eligible for the HFRP Program:

- You must have filed a Form I-130, Petition for Alien Relative, for a Haitian family member that was approved on or before December 18, 2014;
- An immigrant visa must not yet be available for your relative;
- You must receive an invitation from the Department of State's National Visa Center (NVC) to participate in the HFRP Program;
- The beneficiary must be a Haitian national residing in Haiti.

You must **not** submit any application materials to USCIS before first receiving the invitation letter from the NVC.

Note to Representative: If the caller believes that he/she is eligible for the HFRP Program but has not yet received an invitation, please transfer the caller to Tier 2, UNLESS Tier 2 live assistance is unavailable.

How do I apply for the HFRP Program?

If you are eligible to apply for the program on behalf of your relatives in Haiti, you will receive an Invitation Letter from the NVC. The invitation letter will contain instructions on what you will have to do to apply for the program. The invitation will be mailed to the last address that the NVC has for you. **You must receive an invitation before you can apply for the HFRP Program.** If you apply for the program and are not eligible to do so, your application(s) will be denied. Filing fees will not be returned to you.

If you believe you may be eligible for the HFRP Program, please make sure that NVC has your current mailing address. You can contact the NVC with your current address by calling (603) 334-0700 or emailing asknvc@state.gov. For additional contact information, please visit: http://travel.state.gov/content/visas/english/contact/ask-nvc.html.

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What are the fees for the HFRP Program?

You can find the HFRP filing fees for Form I-131, Application for Travel Document on our website. Please note you must pay a separate fee for each family member for whom you submit an HFRP application, or obtain a fee waiver. You can check the USCIS fee schedule before filing any petition or application.

What happens after I apply?

After reviewing the application, USCIS may request additional evidence, deny, or conditionally approve your application. The time required to reach a decision on a case will vary depending on the issues raised and whether we require additional evidence. If the application is conditionally approved, your relative will be scheduled for an interview in Port-au-Prince. Your relative may also have to provide biometrics (fingerprints and photos).

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Chapter 3 Information for Victims of Human Trafficking

OVERVIEW

The Trafficking Victims Protection Act of 2000 provides valuable assistance to persons who have been subjected to human trafficking. These services include interpreters, witness protection, and avenues by which these persons can lawfully remain in the United States, including the "T" nonimmigrant category. The **T** nonimmigrant category is for a person who is or has been the victim of a severe form of trafficking in people. This is a unique category. It is designed to strengthen the ability of law enforcement agencies to investigate and prosecute human trafficking, and also offer protection to trafficking victims.

To be eligible, the applicant must show that –

- The person is a victim of a severe form of trafficking in persons as defined by law, and is physically present in the U.S. because of such trafficking;
- The person has complied with any reasonable requests from a law enforcement agency for assistance in the investigation or prosecution of human trafficking, (or is under the age of 18, or is unable to cooperate due to physical or psychological trauma); and
- The person would suffer extreme hardship involving unusual and severe harm upon removal.

The Trafficking Victims Protection Act of 2000 provides valuable assistance to persons who have been subjected to human trafficking. These services include interpreters, witness protection, and avenues by which these persons can lawfully remain in the United States, including the "T" nonimmigrant category. For more information about the "T" nonimmigrant category, see Volume 4.4.1, Nonimmigrant Services.

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Chapter 4 Information for Abused Spouses, Children, and Parents; and Information for widow(er)s of deceased U.S. Citizens

OVERVIEW

Information about VAWA: The Violence Against Women Act (VAWA) and Battered Immigrant Women Protection Act of 2000 (BIWPA) provide battered alien spouses and children of U.S. citizens or Lawful Permanent Residents (LPR) eligibility to self-petition for lawful permanent residence. The Act also allows for an abused parent of a U.S. citizen son or daughter to self-petition for lawful permanent residence.

Information about Widow(er)s: Effective October 28, 2009, the President signed the FY2010 DHS Appropriations Act into law, allowing widows or widowers of U.S. Citizens to qualify for permanent resident status regardless of how long the couple was married. The new law removes the two-year marriage requirement previously necessary to qualify for permanent resident status. Additionally, the new law applies to any unmarried minor children of the widow(er).

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Information for Abused Spouses, Children, and Parents of U.S. Citizens or Permanent Residents

- What is Violence Against Women Act (VAWA)?
- Who is eligible to self-petition as an abused spouse, child, or parent?
- What are the basic requirements?
- How do I apply for benefits?
- Where do I file Form I-360?
- What is the process?
- How do I adjust to permanent resident status?
- Do I have to pay any penalty fees if I am self-petitioning?
- My application was denied. Can I file an appeal?
- Can anyone help me?
- Can a divorced spouse seek relief through self-petitioning?
- Can a man file a self-petition under the Violence Against Women Act?
- My abusive wife/husband filed an I-130 on my behalf. What happens to my application now?
- What do I need to do if I am a Conditional Resident and I am a battered spouse or child of a U.S. citizen or Lawful Permanent Resident?

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What is Violence Against Women Act (VAWA)?

The Violence Against Women Act (VAWA) and Battered Immigrant Women Protection Act of 2000 (BIWPA) provide battered alien spouses and children of U.S. citizens or Lawful Permanent Residents (LPR) eligibility to self-petition for lawful permanent residence. The Act also allows for an abused parent of a U.S. citizen son or daughter to self-petition for lawful permanent residence. If you would like more information, please visit our website at www.uscis.gov, scroll down and under "Other Services" click on the link titled "Humanitarian," and then click on the link "Battered Spouse, Children & Parents" on the left hand side of the webpage.

Who is eligible to self-petition as an abused spouse, child, or parent?

You may be able to apply for self-petition if you are:

CSR: Read here for Spouses:

- If you are an abused spouse of a U.S. Citizen or lawful permanent resident

Note: **You may include all of your unmarried children under the age of 21 on your petition as derivative beneficiaries as long as they have not filed their own self-petition.**

CSR: Read here for Children:

- If you are an abused child (under 21 and unmarried) of a U.S. citizen or lawful permanent resident parent.

Note: **You may include all of your unmarried children under the age of 21 on your petition as derivative beneficiaries as long as they have not filed their own self-petition.**

CSR: Read here for Parents:

- If you are the parent, stepparent, or adoptive parent of a child who has been abused by your U.S. citizen or lawful permanent resident spouse.

Note: **All children, abused or non-abused, may be included in your self-petition as long as they have not filed their own self-petition.**

- If you are the abused parent, stepparent, or adoptive parent of a U.S. citizen son or daughter.

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What are the basic requirements?

If you choose to file a VAWA self-petition, you must meet the following basic requirements:

CSR: Read here for a self-petitioning spouse:

- Must be legally married to the abusive U.S. citizen or lawful permanent resident.
    - A self-petition may be filed if the self-petitioner believed the marriage was legally valid, but the marriage was not legitimate solely because of the bigamy of the abusive spouse.
    - A self-petition may be filed if the marriage was terminated by the abusive spouse's death within the two years prior to filing.
    - A self-petition may also be filed if the marriage to the abusive spouse was terminated, within the two years prior to filing, by divorce related to the abuse.
    - A self-petition may also be filed if the abusive spouse lost or renounced citizenship or LPR status within the two years prior to filing due to an incident of domestic violence.
    - Common Law marriage: If the place or state where the common law marriage took place recognizes the common law marriage as valid, then it is valid for immigration purposes, but proof of the marriage in the form of a marriage certificate must be presented to USCIS or a U.S. Consulate.
- Must have entered into the marriage to the U.S. citizen or lawful permanent resident in good faith.
- Must have been battered or subjected to extreme cruelty during the marriage, or must be the parent of a child who was battered or subjected to extreme cruelty by the U.S. citizen or lawful permanent resident spouse during the marriage.
- Must have been battered or subjected to extreme cruelty in the United States unless the abusive spouse is an employee of the United States government or a member of the uniformed services of the United States.
- Is required to be a person of good moral character.
- Must have resided with the U.S. citizen or LPR spouse.

To establish all of these eligibility criteria, any relevant credible evidence will be considered.

Answer continues on next page

CSR: Read here for a self-petitioning child or parent of an abused child:

- Must qualify either as the child of the abuser, as defined in the INA for immigration purposes, or as the parent of the abused child.
- Must have been battered or subjected to extreme cruelty by the U.S. citizen or lawful permanent resident parent, or must be the parent of a child who was battered or subjected to extreme cruelty by the U.S. citizen or lawful permanent resident parent.
    - Must have been battered or subjected to extreme cruelty in the United States unless the abusive parent is an employee of the United States government or a member of the uniformed services of the United States.
- Is required to be a person of good moral character.
- Must have resided with the U.S. citizen or LPR parent.

To establish all of these eligibility criteria, any relevant credible evidence will be considered.

CSR: Read here for a self-petitioning parent:

- Must qualify as the parent of a U.S. citizen son or daughter.
    - A self-petition may be filed if the abusive U.S. citizen son or daughter lost or renounced citizenship status related to an incident of domestic violence or died within the two years prior to filing.
- Must have been battered or subjected to extreme cruelty by the U.S. citizen son or daughter.
- Is required to be a person of good moral character.
- Must have resided with the U.S. citizen son or daughter.

To establish all of these eligibility criteria, any relevant credible evidence will be considered.

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How Do I Apply for Benefits?

You can apply for benefits by filing Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, with all supporting documents. There is no application fee for an I-360 filed under the VAWA provisions.

What is the Process?

Notice of Receipt

After you have filed your VAWA self-petition, you will receive an acknowledgement or Notice of Receipt within a few weeks after mailing the application to USCIS.

Once the Self-Petition is approved

If Form I-360 is approved, USCIS has the option of placing you in deferred action. This occurs if you, the self-petitioner, do not have a lawful status in the United States. Deferred action is an act of administrative convenience that means that, at this time, the government is deferring or delaying any removal action against you. At any time, however, deferred action can be revoked and removal proceedings can be initiated.

How do I get Employment Authorization?

Once your Form I-360 is approved, you then become eligible to apply for an Employment Authorization Document.

- File the Form I-765 (Application for Employment Authorization) with the Vermont Service Center.
- If you received deferred action, indicate on the Form I-765 that you are seeking employment authorization according to 8 CFR 274a.12(c)(14).
- If you did not receive deferred action, indicate on the Form I-765 that you are seeking employment authorization according to 8 CFR 274a.12(c)(31).
- You must include the required photos, proper fee or fee waiver,
- You must sign the application (Form I-765),
- You must reside in the United States,
- You must include a copy of the Form I-360 approval notice with your employment application.

Note to Representative: If applicant requests information regarding E-filing for Form I-765, refer to NCSC E-filing script for further information.

Note to Representative: Ask the customers if they have adjusted yet. (Received permanent resident card already, if so they do not need to file Form I-765)

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How Do I Adjust to Permanent Resident Status?

- If you are an immediate relative of a U.S. citizen, you do not have to wait for an immigrant visa number to become available. You may concurrently file the USCIS Form I-485 (Application to Register Permanent Residence or Adjust Status) with the Form I-360 VAWA self-petition at the Vermont Service Center. If you file Form I-485 after your VAWA self-petition is approved, submit your Form I-485 along with your Form I-360 approval notice to the USCIS Lockbox Facility.

- If you do need a visa number to adjust to permanent resident status, you must wait for the visa number to become available before filing the Form I-485.

Do I have to pay any penalty fees if I am self-petitioning?

No, penalty fees are only assessed for aliens applying for adjustment of status under INA section 245(i). VAWA self-petitioners are eligible to adjust status under INA section 245(a).

My Application was denied. Can I file an appeal?

If your application is denied, the denial letter will tell you how to appeal. Generally, you may file a Notice of Appeal along with the required fee or a fee waiver request within 33 days of receiving the denial. Once the fee is collected or the fee waiver is approved and the form is processed, the appeal will be referred to the Administrative Appeals Office.

Can Anyone Help Me?

Yes, please contact The Victims of Domestic Violence Hotline at 1-800-799-7233 or 1-800-787-3224 (TDD) for information about shelters, mental health care, legal advice and other types of assistance, including information about self-petitioning for immigration status.

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Can a divorced spouse seek relief through self-petitioning?

Under current law, effective since October 28, 2000, you can self-petition as long as your marriage was terminated within two years of the filing of a VAWA self-petition (see Chapter 2 for further information regarding divorce and applying for self-petition). If you do not qualify under this section, you may be eligible for cancellation of removal under section 240A(b)(2) of the INA. You must meet the other requirements including having been physically present in the United States for 3 years immediately preceding the filing of the application for cancellation of removal and demonstrating extreme hardship upon removal.

- A self-petition will be denied if the applicant remarries before the VAWA self-petition is approved.

Can a man self-petition under the Violence Against Women Act?

Yes, you may self-petition. The provisions for the application apply to victims of either sex.

My abusive husband/wife filed an I-130 on my behalf. What happens to my application now?

You can transfer the priority date established for the I-130 to the I-360 self-petition application. It is important to understand that this results in a shorter waiting time if you are waiting for a visa number.

What do I need to do if I am a Conditional Resident and I am an abused spouse or child of a U.S. citizen or Lawful Permanent Resident?

Normally, conditional residents must file to remove the conditions within the 90 days prior to the expiration of the Conditional Permanent Resident Card. However, if you are filing a waiver of the joint filing requirement because of abuse or extreme cruelty, you may file to remove the conditions even after the expiration of the Conditional Permanent Resident Card. You should file the USCIS Form I-751 (Petition to Remove the Conditions on Residence) with all relevant evidence as specified in the form's instructions.

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Information for Abused Spouses and Children of Cuban Nationals

- What are the Violence Against Women Act (VAWA) amendments to the Cuban Adjustment Acts (CAA)?
- I am an abused spouse/child of a Cuban national. Can I adjust status?
- Who is considered a qualifying Cuban principal?
- How do I apply for benefits?
- Where do I file Form I-485?
- What do I need to include in my application?
- My application was denied. Can I file an appeal?
- My spouse/parent lost his/her status or lost his/her eligibility to adjust status. Will I still be able to adjust status?
- Can a divorced spouse of a Cuban national petition for permanent residence?
- Can a widow(er) of a Cuban national petition for permanent residence?

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What are the Violence Against Women Act (VAWA) amendments to the Cuban Adjustment Acts (CAA)?

The CAA permits Cuban nations to adjust their status to that of a lawful permanent resident. The *amendments* to the CAA allow eligible abused spouses or child of a qualifying Cuban principal to adjust their status to that of a lawful permanent resident.

I am an abused spouse/child of a Cuban national, can I adjust status my status?

An abused spouse/child may be eligible to adjust status to a permanent resident. You must be able to demonstrate that you were abused by a qualifying Cuban principal and that you lived with the qualifying Cuban principal at some point during the relationship.

Who is considered a qualifying Cuban principal?

A qualifying Cuban principal is one who:

- Was inspected and admitted or paroled into the U.S. after January 1, 1959;
- Was physically present in the U.S. for at least a year;
- Is eligible to receive an immigrant visa;
- Is admissible to the U.S. as a permanent resident; AND either
    - Has applied for, and is eligible for adjustment of status, OR
    - Has adjusted status.

How do I apply for benefits?

You can apply for benefits by filing Form I-485, Application to Register Permanent Residence or Adjust Status, with all supporting documents. Under "Application type," you should select (f) "I am the husband, wife, or minor unmarried child of a Cuban..." Abused spouses and children may select this application type even if they are no longer residing with the qualifying Cuban principal at the time of filing. A VAWA self-petition if not required.

What do I need to include in my application?

Along with the filing fee and the evidence required as noted in the instructions to Form I-485, you will need to include evidence that demonstrates the following:

- That the abuse occurred in the relationship; and
- That the applicant resided with the qualifying Cuban principal at some point during the relationship;

Depending on your circumstances, you might also have to include evidence that:

- The termination of the marriage was connected to the abuse;
- The qualifying Cuban principal lost status, or eligibility to adjust status, due to an incident of domestic violence; or
- The qualifying Cuban principal died within two years of the filing of an application for adjustment of status by an abused spouse.

You do not need to provide a copy of the qualifying Cuban principal's adjustment of status application, however, you must provide enough information to enable USCIS to verify the qualifying Cuban's principal's status or pending application for adjustment of status under the CAA. Some of this information might include the abuser's full name, date of birth, place of birth, parents' names, alien number, I-94s, social security number, etc.

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My application was denied. Can I file an appeal?

If your application is denied, the denial letter will tell you how to appeal. Generally, you may file a Notice of Appeal along with the required fee or a fee waiver request within 33 days of receiving the denial. Once the fee is collected or the fee waiver is approved and the form is processed, the appeal will be referred to the Administrative Appeals Office.

My spouse/parent lost his/her status or lost his/her eligibility to adjust status. Will I still be able to adjust status?

You may still be able to adjust, if the qualifying Cuban principal lost status or lost eligibility to adjust status due to an incident of domestic violence. You will need to file your own application for adjustment of status within two years of the qualifying Cuban principal's loss of status or loss of eligibility for adjustment of status. You will also need to provide evidence showing that the qualifying Cuban principal's loss of status or loss of eligibility for adjustment of status, was due to an incident of domestic violence.

Can a divorced spouse of a Cuban national petition for permanent residence?

Yes, if at the time of filing, the marriage was terminated (divorce, annulment, etc.) within the past two years, you can still adjust if:

- You can demonstrate that there is connection between the termination of the marriage and the abuse by the qualifying Cuban principal;
- You resided, at some point during the marriage, with the qualifying Cuban principal; and
- You filed the application for adjustment under section 1 of the Cuban Adjustment Act (CAA) within 2 years of the termination of the marriage

Can a widow(er) of a Cuban national petition for permanent residence?

Yes. The widow(er) of a qualifying Cuban spouse can file under section 1 of the Cuban Adjustment Act (CAA) within 2 years of the death of the qualifying Cuban principal. The widow(er) must meet all other criteria, including having lived, at some point during the relationship, with the qualifying Cuban spouse.

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Information for Widow(er)s of Deceased U.S. Citizens

- What is the effect of the new law upon widow(er)s of deceased U.S. Citizens and their children?
- I had a pending Form I-130 when my spouse passed away and would like to find out if I can continue on some type of special program.
- If I had a pending Form I-130, how do I find out if my petition has been converted to a Form I-360?
- How will USCIS know whether this new law applies to my specific case?
- What happens if I remained in the U.S. after my U.S. Citizen spouse passed away, while awaiting a decision on my Form I-130?
- What if my Form I-130 was already approved before my U.S. Citizen spouse passed away?
- What if I had a pending Form I-485 when my U.S. Citizen spouse passed away?
- If my U.S. Citizen spouse has passed away and I do not have a petition pending with USCIS, how do I obtain status as a widow(er)?
- Where do I file Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant?
- What about the minor children of the widow(er)?
- I previously filed Form I-360 to obtain deferred action as a widow(er). What happens to that Form I-360?
- The deferred action guidance said I could obtain employment authorization if my deferred action Form I-360 was approved. If my deferred action Form I-360 is now considered a widow(er)'s visa petition, does that mean I can apply for employment authorization before my Form I-360 is approved?
- Does it make a difference whether my children had a Form I-130 filed on their behalf?

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What is the effect of the new law upon widow(er)s of deceased U.S. Citizens and their children?

On October 28, 2009, the President signed the FY2010 DHS Appropriations Act into law, allowing eligible widows or widowers of U.S. citizens to qualify for permanent resident status regardless of how long the couple was married. The new law removes the two-year marriage requirement previously necessary for a widow(er) to qualify for permanent resident status as an immediate relative of his or her late U.S. citizen spouse. Additionally, when a widow(er) qualifies as an immediate relative under the law, his or her unmarried minor children will also qualify for the same status. The law applies equally to widow(er)s living abroad, who are seeking immigrant visas, and to widow(er)s in the United States, who want to become permanent residents based on their marriage.
The new law only affects the ability of a widow(er) to file for permanent resident status as an immediate relative of their deceased U.S. Citizen spouse. All other requirements to obtain a visa remain in force. Specifically, the widow(er) must still establish that:

- He or she was the citizen's legal spouse.
- The marriage was bona fide and not an arrangement solely to confer immigration benefits to the beneficiary.
- He or she has not remarried.
- He or she is admissible as an immigrant.
- In an adjustment of status case, that he or she meets all other adjustment eligibility requirements and merits a favorable exercise of discretion.

I had a pending Form I-130 when my spouse passed away and would like to find out if I can continue on some type of special program

As of October 28, 2009, any pending or approved Form I-130 that was filed on a widow(er)'s behalf prior to the citizen spouse's death will automatically convert to a Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, even if the spouses were married less than two years when the citizen spouse died, so long as, on the date of the citizen spouse's death, the surviving widow(er) qualifies as an immediate relative. Eligibility for classification as an immediate relative ceases if the widow(er) has remarried.

Additionally, any Form I-130 that has been the subject of litigation in any Federal court on the issue of the effect of the petitioner's death is reopened for a new decision. USCIS will identify those cases that are the subject of litigation that were pending on October 28, 2009. Once a case is identified, USCIS will notify the widow(er) in writing that their Form I-130 has been reopened and adjudicated as a Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant.

If I had a pending Form I-130, how do I find out if my petition has been converted to a Form I-360?

Your Form I-130 will automatically convert to a widow(er)'s Form I-360. If it was pending when your spouse died, USCIS will adjudicate your converted I-360 and notify you with a decision. If it was already approved, it will remain approved. If your case has been the subject of litigation in any Federal court on the issue of the effect of the petitioner's death on your Form I-130, you will receive notification from USCIS that the Form I-130 has been reopened.

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How will USCIS know whether this new law applies to my specific case?

If you are a named plaintiff in a court case challenging the denial of your spouse's Form I-130, USCIS already knows about your case because of the lawsuit. If your spouse's Form I-130 remains pending before USCIS, USCIS may not be aware of your spouse's death. In this situation, you should write to the USCIS office where your case is pending, with a copy of your filing receipt showing the USCIS receipt number, any other notice issued in your case, and a copy of your spouse's death certificate.

What happens if I remained in the U.S. after my U.S. Citizen spouse passed away, while awaiting a decision on my Form I-130?

Generally, if a widow(er) remained in the United States after the U.S. citizen petitioner passed away, while awaiting the outcome of Form I-130 that can now be approved as a Form I-360, they will be deemed not to have accrued any unlawful presence as a matter of policy. This protection applies only to widow(er)s who had a Form I-130 pending before USCIS, the Board of Immigration Appeals, or the courts on October 28, 2009, but applies even if the widow(er) was not in a lawful status while the now-converted Form I-360 was pending. If your spouse never filed a Form I-130 for you, you may file a Form I-360 within the applicable filing period, but the new filing will not affect any unlawful presence you already have accrued.

What if my Form I-130 was already approved before my U.S. Citizen spouse passed away?

If the Form I-130 was approved before the U.S. citizen petitioner's death, it will automatically convert to an approved I-360. Unmarried minor children of the widow(er) will also be eligible to seek an immigrant visa or adjustment of status based on the approved Form I-360.

What if I had a pending Form I-485 when my U.S. Citizen spouse passed away?

If USCIS has jurisdiction to act on a Form I-485, Application to Register Permanent Residence or Adjust Status, that is the subject of litigation on this issue in any Federal court, USCIS will notify applicants in writing that their Form I-485 has been reopened. If the widow(er) entered the United States as a K-1 nonimmigrant and filed an I-485 after marrying the deceased U.S. citizen, he or she will be deemed the beneficiary of a Form I-360 Widow(er) petition. If a widow(er) with an approved Form I-130 and a pending Form I-485 left the United States voluntarily after his or her petitioning U.S. citizen spouse died, and thus "abandoned" his or her adjustment application, the approved Form I-130 is converted to an approved Form I-360, so that the widow(er) may apply for an immigrant visa abroad.

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If my U.S. Citizen spouse has passed away and I do not have a petition pending with USCIS, how do I obtain status as a widow(er)?

If your U.S. citizen spouse died on or after October 28, 2009, you will have two years from the date of the citizen spouse's death to file a Form I-360 petition.

If your U.S. citizen spouse died before October 28, 2009, and a Form I-130 pending on October 28, 2009, the new law allowed you to file a Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, for yourself and your unmarried minor children. But the filing deadline, if your spouse died before October 28, 2009, was October 28, 2011. For this reason, it is no longer possible to file a widow(er) petition if your spouse died before October 28, 2009.

Where do I file Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant?

The Form I-360 and filing instructions can be found at the USCIS website www.uscis.gov, under the "Forms" link.

What about the minor children of the widow(er)?

The child of a widow(er) whose Form I-360 is approved may be included in the widow(er)'s petition as long as they meet the definition for "child" under the Immigration and Nationality Act. Where the deceased citizen filed a Form I-130 for his or her spouse that was pending at the time of his or her death, and the Form I-130 can now be adjudicated as a Form I-360 petition, the child(ren) of the widow(er) will be included in the Form I-360. An individual qualifies as the "child" of a widow(er) depending on their age when the visa petition was filed. For those cases that were pending on October 28, 2009, the Form I-360 filing date is the date on which the deceased citizen filed the prior Form I-130. If a widow(er) has an unmarried son or daughter who was under 21 when the deceased citizen filed the Form I-130, that individual will still be considered under 21 for purposes of the widow(er)'s Form I-360.

I previously filed Form I-360 to obtain deferred action as a widow(er). What happens to that Form I-360?

If you were already granted deferred action, and received an employment authorization document on that basis, USCIS will not terminate your deferred action or your EAD. Now that Congress has enacted the new legislation, any Form I-360 that was filed to obtain deferred action and has not yet been adjudicated as a deferred action request will now be considered to be an I-360 widow(er)s petition. If your prior I-360 was already approved as a deferred action request, USCIS will, on its own motion, reopen your Form I-360 and adjudicate it as an I-360 widow(er) petition. It will not be necessary for you to file a formal motion or to pay a new Form I-360 filing fee.

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The deferred action guidance said I could obtain employment authorization if my deferred action Form I-360 was approved. If my deferred action Form I-360 is now considered a widow(er)'s visa petition, does that mean I can apply for employment authorization before my Form I-360 is approved?

If you filed a Form I-360 as a deferred action request, you are still in the U.S. and your Form I-360 now qualifies as a widow(er)'s visa petition, the filing of an adjustment application (Form I-485), with the required filing fee will make it possible for you to file a Form I-765 to apply for employment authorization based on the pending Form I-485

Does it make a difference whether my children had a Form I-130 filed on their behalf?

Anyone who qualifies ad your "child" can be included as a derivative beneficiary on your converted I-360, regardless of whether your child was also the beneficiary of his or her own Form I-130.

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Chapter 5 Diversity Visa Program

OVERVIEW

The Diversity Visa Program is a visa lottery program through the Immigration Act of 1990 that provides another opportunity for aliens to gain lawful permanent admission into the United States. Applicants are selected at random by the U.S. Department of State (DOS) during a predetermined selection period. Selection by DOS does not, however, guarantee that a person may apply for, or be granted, adjustment of status. Among other things, there must be a diversity visa number available (as determined by DOS) to the alien, and even if so, the alien must still establish that he or she is admissible and otherwise eligible for adjustment of status.

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Can I Apply for Adjustment of Status based on Selection in the Diversity Visa Lottery?

If you are selected for a visa through the Diversity Immigrant Visa Program (DV Program, also known as the Visa Lottery) and you are legally residing in the US, you may be eligible to adjust status under the DV Program if you:

- Have an immigrant visa immediately available at the time of filing an adjustment application (Form I-485, Application to Register Permanent Residence or Adjust Status); and
- Are admissible to the United States.

To see if a visa is available, you can check the Department of State Visa Bulletin available at travel.state.gov. Please refer to the chart in Section B of the Department of State Visa Bulletin. If you have a lower number than the cut-off number shown in the chart, you may be eligible to file for adjustment of status.

The adjustment of status process for DV Program recipients must be completed by September 30th of the fiscal year to which the DV Program pertains. Visas cannot be carried over to the next fiscal year.

You must present your receipt or other satisfactory proof of payment (canceled check) for the DV Program processing fee to USCIS at the time of your adjustment interview.

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Chapter 6 Class Action Lawsuits against USCIS and Legal Settlements

OVERVIEW

The following information is presented for those individuals who may be part of a class action lawsuit or settlement.

Update to the Class Action Settlement Agreement in Perez-Olano et al. v. Holder et al.

USCIS and plaintiffs have agreed to a stipulation to the settlement agreement involving cases in which Special Immigrant Juvenile (SIJ) petitions or SIJ-based applications for adjustment of status were denied, terminated or revoked on or after December 15, 2010 because the applicant's state court dependency order had expired at the time of the filing. USCIS will not deny, revoke, or terminate an SIJ petition (Form I-360) or SIJ-based adjustment of status (Form I-485) if, at the time of filing the SIJ petition (1) the applicant is or was under 21 years of age, unmarried, and otherwise eligible, and (2) the applicant either is the subject of a valid dependency order or was the subject of a valid dependency order that was terminated based on age prior to filing. This settlement applies to all juveniles who are not U.S. citizens and who applied on May 13, 2005, or after that date, or who wish to apply for immigration status based on having been abused, abandoned, or neglected.

The instructions on how to file a Motion to Reopen, the full notice of proposed settlement agreement and final proposed settlement agreement can be found on the USCIS Website at www.uscis.gov. From the homepage select the "Laws" link and then select the "Legal Settlement Notices" link. Please scroll down to the link for the November 9, 2010 Settlement Agreement in Perez-Olano et al. v. Holder et al.

Aurelio Duran-Gonzalez v. Department of Homeland Security Settlement Agreement

On July 21, 2014, the U.S. District Court for the Western District of Washington granted final approval to the Settlement Agreement in the case of Aurelio Duran-Gonzalez v. Department of Homeland Security (Duran-Gonzalez).

Under the terms of the Duran-Gonzalez Settlement Agreement, certain qualifying class members may submit a request asking that USCIS reopen their Forms I-212 and I-485 cases. If a case is reopened, USCIS will make a new decision as provided in the Settlement Agreement.

USCIS must receive the request on or before Jan. 21, 2016. A request received after Jan. 21, 2016, will be rejected, even if a postmark, shipping label, or other evidence suggests the request was sent on or before Jan. 21, 2016.

Additional information regarding the Settlement Agreement and information about other class action lawsuits or settlements can be found on the USCIS Website at www.uscis.gov. You can read updated Legal Settlement Notices by selecting the "Laws" link.

ABT Revised Settlement Agreement

On November 4, 2013, the United States District Court for the Western District of Washington granted final approval of the revised ABT Settlement Agreement, bringing to a close class action litigation that began in December 2011. The settlement agreement provides that certain individuals that intend to file an asylum application, or who have already filed an asylum application, are entitled to have their eligibility for employment authorization determined using new procedures.

Additional information regarding the ABT Settlement Agreement and information about other class action lawsuits or settlements can be found on the USCIS Website at www.uscis.gov. You can read updated Legal Settlement Notices by selecting the "Laws" link.

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Chapter 7 Filing for Permanent Resident Status Under Special Conditions

OVERVIEW

USCIS provides resources by which aliens from a variety of countries may gain permanent resident status through special conditions. This includes "Special Immigrant" status, among others. Using the information below, you can find the special conditions to be eligible to apply.

FAQs Regarding Immigrating under Special Conditions

- Immigration through Investment
- Immigration through the Legal Immigration Family Equity Act (LIFE)
- Immigration through "The Registry" Provision of the Immigration and Nationality Act
- Immigration as a "Special Immigrant"
- Immigration Benefits Granted by the Immigration Court
- Immigration through Country-Specific Adjustment
  - Immigration through the Cuban Adjustment Act
  - Immigration through the Haitian Refugee Immigration Fairness Act of 1998 (HRIFA)
  - Immigration through the Nicaraguan Adjustment and Central American Relief ACT (NACARA)
  - Immigration for Eligible Individuals from Vietnam, Cambodia, Laos

Continue on next page for FAQs about the Special Immigrant Juvenile Perez-Olanao Settlement and Stipulation

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FAQs Regarding Special Immigrant Juvenile Perez-Olanao Settlement and Stipulation

General FAQs

- What is the Special Immigrant Juvenile Perez-Olano Settlement and Stipulation?
- Who are considered class members?
- How long is this Perez-Olano Settlement Agreement in effect?
- Can I request a fee waiver?
- Where can I find filing instruction for the Settlement Agreement and/or the Stipulation?
- What are the eligibility criteria for filing a Motion to Reopen under the Perez-Olano Settlement Agreement and Stipulation?
- I am a Special Immigrant Juvenile, what form do I need to file to adjust status?

FAQs regarding the Settlement Agreement

- My case was denied when I was under 21, but currently I am over 21. Am I eligible to file a Motion to Reopen?
- How do I request to reopen my case under the Settlement Agreement?
- What should I include in my Motion to Reopen based on the Settlement Agreement?
- What would happen if my Motion to Reopen based on the Settlement Agreement is granted?
- What if USCIS denied my Motion to Reopen based on the Settlement Agreement?

FAQs regarding the Stipulation to the Settlement Agreement

- My petition for Special Immigrant Juvenile (SIJ) classification or adjustment of status application based on my SIJ classification was denied because my dependency order had expired at the time of filing. Is there anything I can do?
- How do I request to reopen my case under the stipulation to the Settlement Agreement?

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What is the Special Immigrant Juvenile Perez-Olano Settlement and Stipulation?

Perez-Olano v. Holder is a class-action lawsuit filed on behalf of juvenile aliens who may have been eligible for Special Immigrant Juvenile (SIJ) status or SIJ-based adjustment of status because they were abused, abandoned, or neglected. The Perez-Olano Settlement Agreement permits children whose I-360 or I-485 applications were denied or revoked after May 13, 2005 to file a motion to reopen. USCIS and plaintiffs have also agreed to a stipulation to the settlement agreement. The stipulation allows for effected class members to file a motion to reopen their case. Effected class members are those whose applications for SIJ classification or SIJ-based adjustment of status were denied, revoked, or terminated on or after December 15, 2010, because the applicant's state court dependency order had been terminated based on age at the time of the filing.

Who are considered class members?

All aliens including, but not limited to, Special Immigrant Juvenile (SIJ) applicants, who, on or after May 13, 2005, apply or applied for SIJ status or SIJ-based adjustment of status.

How long is this Perez-Olano Settlement Agreement in effect?

The settlement agreement is effective from December 14, 2010 until December 13, 2016.

Can I request a fee waiver?

If you are filing under the Settlement Agreement, you may file Form I-912 request for a Fee Waiver with supporting documents in conjunction with the Form I-290B Notice of Appeal or Motion. If you are filing to reopen your case based on the Stipulation Agreement, there is no fee.

Where can I find these Specific Settlement Agreement filing instructions?

These Specific Settlement Agreement filing instructions are posted on the landing page of the Form I-290B, Notice of Appeal or Motion -at www.uscis.gov/i-290b.

What are the eligibility criteria for filing a motion to reopen under the Perez-Olano Settlement Agreement and Stipulation?

You may file a motion to reopen under the Perez-Olano Settlement Agreement and Stipulation if you filed for Special Immigrant Juvenile (SIJ) status or SIJ based adjustment of status on or after May 13, 2005 and your Form I-360 was denied or revoked for one of the following reasons:

- You turned 21 after the I-360 was filed but before your Form I-360 or Form I-485 was adjudicated; or
- You were the subject of a valid dependency order or were the subject of a valid dependency order that was terminated based on age prior to filing; or
- You were in the custody of the U.S. Department of Health and Human Services (HHS) and did not receive a grant of specific consent from HHS or any other federal agency or officer before seeking the jurisdiction of the state juvenile court and the juvenile court order did not determine or alter your custody status or placement.

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I am a Special Immigrant Juvenile, what form do I need to file to adjust status?

You may file Form I-360 in conjunction with Form I-485, or file Form I-485 after your petition for Special Immigrant Juvenile status (Form I-360) has been approved. You will need to submit other required documents when you submit your SIJ-based Form I-485. For further information regarding Forms please visit www.uscis.gov.

My case was denied when I was under 21, but currently I am over 21. Am I eligible to file Form I-290B?

Yes, you may file Form I-290B, Notice of Appeal or Motion if your SIJ petition or SIJ-based application for adjustment of status was denied or revoked if:

- The I-360 or SIJ-based I-485 was denied or revoked on or after May 13, 2005 for reasons related to age-out, dependency age-out, or specific consent; and
- Re-adjudication will only be with respect to age eligibility and specific consent.

How do I request to reopen my case under the Settlement Agreement?

Class members can file the Form I-290B, Notice of Appeal or Motion, with the appropriate fee or fee waiver (I-912) and mail it to:

Applicants filing under the Perez-Olano Settlement Agreement (POSA):

For U.S. Postal Service (USPS) deliveries, use the following address:
USCIS
P.O. Box 5510
Chicago, IL 60680-5510

For private courier (non-USPS) deliveries, use the following address:
USCIS
Attn: POSA
131 South Dearborn – 3rd Floor
Chicago, IL 60603-5517

When filing a Form I-290B:

- Check “Box F” in part 3 “Information about the Appeal or Motion”; and
- Write “Perez-Olano Settlement Agreement” or “POSA” for Part 4, “Basis for the Appeal or Motion.”

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What should I include in my motion to reopen based on the Settlement Agreement?

If you are eligible to file a motion to reopen, please send USCIS:

- Form I-290B, Notice of Appeal or Motion
- The appropriate fee or fee waiver request if desired, using Form I-912, Request for a Fee Waiver
- Evidence that your Special Immigrant Juvenile (SIJ) petition or SIJ-based application for adjustment of status was denied or revoked on or after May 13, 2005
- Evidence that your previously filed SIJ petition or SIJ-based application for adjustment of status was denied on account of age or age-related dependency status or specific consent

What would happen if my Motion to Reopen based on the Settlement Agreement is granted?

The immigration service officer will then re-adjudicate the Form I-360 in accordance with the settlement agreement.

What if USCIS denied my Motion to Reopen based on the Settlement Agreement?

If the Motion to Reopen is denied you may appeal to the Administrative Appeals Office.

My petition for Special Immigrant Juvenile (SIJ) classification or SIJ-based adjustment of status application was denied because my dependency order was expired at the time of filing. Is there anything I can do?

If your SIJ classification or SIJ-based adjustment of status was denied, revoked, or terminated on or after December 15, 2010 because your state court dependency order had expired at the time of the filing, you can request that USCIS reopen your petition and/or application without an additional fee. You must contact USCIS by June 15, 2018 to request that your case be reopened pursuant to the Stipulation to the Settlement Agreement in Perez-Olano.

How do I request to reopen my case under the stipulation to the Settlement Agreement?

You may send the request to reopen to:

SIL.ClassAction@uscis.dhs.gov

or

USCIS Field Operations Directorate
Attn: Perez-Olano Settlement
111 Massachusetts Avenue, NW
Suite 2000, MS: 2030
Washington DC 20529

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Chapter 8 Parole: Humanitarian and Significant Public Benefit Parole

OVERVIEW

Parole is used sparingly on a case-by-case basis to bring someone who is otherwise inadmissible into the U.S. for a temporary period of time due to an urgent humanitarian reason or for significant public benefit. USCIS may grant parole to an individual who is outside the U.S. and is seeking to enter the U.S. for urgent humanitarian reasons or for significant public benefit for a temporary period of time that corresponds with the length of time needed to satisfy the purpose of the parole. Generally, parole is not granted for longer than one year.

Frequently Asked Questions

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How do I file for humanitarian parole?

To file for humanitarian or significant public benefit parole you must:

- Complete Form I-131, Application for Travel Document, and include the correct filing fee for each parole applicant or submit Form I-912, Request for Fee Waiver;
- Complete Form I-134, Affidavit of Support, along with supporting documentation for each applicant, in order to demonstrate that the beneficiary will not become a public charge; and
- Include a detailed explanation and evidence of your circumstances.

If you are represented by an attorney, he or she must file a Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative.

Requests for parole must be submitted to the USCIS Dallas Lockbox:

For US Postal Service (USPS) deliveries:

USCIS
P.O. Box 660865
Dallas, TX 75266

For Express mail and courier deliveries:

USCIS
Attn: HP
2501 S. State Hwy 121, Business
Suite 400
Lewisville, TX 75067

How long will it take USCIS to make a decision on my application for humanitarian parole?

You will receive a written notice once we have received your application and again when your case has been decided. It can take between 90-120 days to process a parole application. The Humanitarian Affairs Branch (HAB) reviews all parole requests after Lockbox processing to identify those that require expedited processing because of urgent, time-sensitive circumstances. If you do not receive a notice that HAB has received your case within 30 days of filing the application packet with the Dallas Lockbox, you may contact HAB in writing at the following address:

DHS/USCIS/Humanitarian Affairs Branch (HAB)
20 Massachusetts Avenue NW 3rd Floor
HAB Mail Stop 2100
Washington, DC 20529

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Can I request to have my application for humanitarian parole expedited?

Yes. In addition to filing the parole application package with the correct fee at the Dallas Lockbox, you may contact the Human Affairs Branch (HAB) in writing to request expedited processing of your parole request at the following address:

DHS/USCIS/IO/Humanitarian Affairs Branch (HAB)
20 Massachusetts Ave., NW, 3rd Floor
HAB Mail Stop 2100
Washington, DC 20529

Please include the following information with your expedite request:

1. Beneficiary: Person outside the U.S. requiring humanitarian parole to enter the U.S.

- Name
- Date of Birth
- Country of Birth

2. Applicant: Person who completes Form I-131 on behalf of the beneficiary identified above (the applicant may also be the beneficiary)

- Name
- Contact information (include address, telephone number, and e-mail address)

3. Reason for Expedited Parole Request: Please provide a concise statement of the specific time sensitive reason for parole with a date by which the beneficiary must enter the United States, if known.

4. Alien Number: If you have already received a letter from the Humanitarian Affairs Branch (HAB) stating that it takes 90-120 days from date of receipt for USCIS to process this type of case, please include the nine-digit alien number provided in the body of the letter.

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What are the criteria that may support a request for expedited processing of humanitarian parole?

Circumstances that may justify a request for expedited processing of a humanitarian or significant public benefit parole application include, but are not limited to, the following:

- Medical emergency, generally involving life and death, where the person seeking parole needs to enter the U.S. immediately;
- Person seeking parole needs to attend a **civil** court hearing that requires his/her presence in the U.S. within the next 15 days; or
- Other urgent situation that requires immediate action.

Note to Representative: If the caller is requesting expedited parole because he/she needs to attend a **criminal** court hearing or if the potential beneficiary has been previously deported or removed from the U.S. or is currently in removal or deportation proceedings, then his/her request should be sent to the following address:

Branch Chief, Law Enforcement Parole Branch
ICE Office of International Affairs
800 North Capitol Street, NW
Washington, DC 20536-5096

Where can I get more information about humanitarian parole?

Please visit our website at www.uscis.gov and select the "Humanitarian Parole" link under the heading "Humanitarian" in the center of the screen.

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Chapter 9 Special Parole Consideration for Family Members of Military Personnel

USCIS is committed to assisting military families. As part of this commitment, USCIS will allow special parole consideration for spouses, children, and parents of active duty members of the U.S. Armed Forces, individuals in the Selected Reserve of the Ready Reserve or individuals who previously served in the U.S. Armed Forces or the Selected Reserve of the Ready Reserve.

This special parole consideration may help minimize periods of family separation and facilitate adjustment of status within in the U.S. by immigrants who are the spouses, children and parents of military service members.

To request parole consideration, you should submit the following documents to the USCIS local field office that has jurisdiction over your place of residence:

- A completed Form I-131, Application for Travel Document, (may be filed without a fee);
- Evidence of the family relationship;
- Evidence that the service member is an active duty member of the U.S. Armed Forces, individual in the Selected Reserve of the Ready Reserve or an individual who previously served in the U.S. Armed Forces or the Selected Reserve of the Ready Reserve. (evidence such as a photocopy of both the front and back of the service member's military identification card (DD Form 1173);
- Two identical, color, passport style photographs; and
- Evidence of any additional favorable discretionary factors that you wish considered.

To find the USCIS office that has jurisdiction over your place of residence, please visit our website at www.uscis.gov.

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Chapter 10 Commonwealth of the Northern Mariana Islands (CNMI)

OVERVIEW

On May 8, 2008, the Consolidated Natural Resources Act (CNRA) was signed into law. The CNRA extends most provisions of U.S. immigration law to the Commonwealth of the Northern Mariana Islands (the CNMI) for the first time. The transition period for implementation of U.S. immigration law in the CNMI began on November 28, 2009, and was scheduled to end on December 31, 2014 but was extended for five years until December 31, 2019.

The CNRA created a CNMI-only transitional worker nonimmigrant visa category, and, on September 7, 2011, USCIS promulgated regulations governing the CNMI-only Transitional Worker nonimmigrant visa category for foreign workers in the CNMI. This new nonimmigrant category is known as a CW visa. The CW visa category was created by Congress to help the CNMI transition from its previous foreign worker permit system to U.S. immigration law, and will only be available while the transition period is in effect.

What CNMI information are you seeking? (Please choose an option below)

CNMI E-2 Investor Status

Parole for Certain Aliens in the CNMI

The new CNMI Transitional Worker Visa Category (CW)

Note: Please visit our CNMI webpage for general information and related links. To navigate to this webpage from our homepage at www.uscis.gov, please select the "Laws" link at the top of the page and then select the "Immigration from the CNMI" link on the left-hand side.

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CNMI E-2 Investor Status

For information about CNMI E-2 Status, please visit our CNMI E-2 Investor webpage. To navigate to this webpage from our homepage at www.uscis.gov, please select the "Working in the U.S." link on the left-hand side and then select the "H-1B" link. Once the new page loads, select the "E-2 CNMI Investor" link on the left-hand side. Also, please visit our CNMI E-2 Questions and Answers webpage for additional information.

Parole

Please visit our webpage about Requesting Parole for the first time in the CNMI. Or visit our webpage about Extending Parole in the CNMI.
To navigate to these webpages from our homepage at www.uscis.gov, please select the "Laws" link at the top of the page and then select the "Immigration from the CNMI" link on the left-hand side and then scroll down to the Parole information and links.
Or for Questions and Answers, please visit our webpage: Information about Parole for Certain Aliens in the CNMI.

CNMI Transitional Worker Visa Catetory (CW)

General Questions
Questions about Filing
Questions for Workers
Questions about Travel

For more information please visit our webpage about the CNMI Transitional Worker Visa Category (CW). To navigate to this webpage from our homepage at www.uscis.gov, please select the "Working in the U.S." link on the left-hand side and then select the "H-1B" link. Once the new page loads, select the "CW-1 CNMI-Only Transitional Worker" link on the left-hand side.

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General Questions

- What does the CNMI-Only Transitional Worker (CW) visa do?
- How will the rule affect foreign workers living and working in the CNMI?
- What are the requirements to qualify for a CNMI-Only Transitional Worker Visa?

Questions about Filing

- When may employers begin filing petitions for workers?
- What must an employer do to petition for a foreign worker?
- Does an employer need to file a separate Form I-129CW for each transitional worker?
- What are the filing fees associated with a Form I-129CW?
- What evidence should an employer provide with the Form I-129CW petition?

Questions for Workers

- How can an eligible individual obtain a CW-1 or CW-2 visa from outside t he CNMI?
- Can an individual with CW-1 status change employers?
- How long is CW status valid?
- I am a foreign worker who has been living and working lawfully in the CNMI, and my employer is willing to sponsor me for the CW visa. What steps do I need to take to obtain CW status in the CNMI?
- How do my dependents apply to receive CW status?
- I am a foreign worker living abroad and an employer in the CNMI is willing to sponsor me. What are the steps I need to take to obtain a CW visa?
- What happens to CW-1 transitional workers and their dependents at the end of the transition period?

Questions about Travel

- As a CW-1 or CW-2 status holder, what do I need to do in order to travel outside the CNMI?
- Can individuals with CW status return from travel outside the CNMI?
- Is CW status valid in any part of the United States other than the CNMI?
- Can individuals with CW nonimmigrant status, or with CW visas, transit through the Guam airport?

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What does the CNMI-Only Transitional Worker (CW) visa do?

The CW visa provides lawful U.S. temporary, nonimmigrant status to eligible foreign workers who:

- Are or will be employed by an eligible employer in the CNMI during the transition period; and
- Are ineligible for another nonimmigrant worker classification under the INA.

The purpose of the transition period is to allow employers and employees the necessary time to move in an orderly fashion from the prior CNMI permit system to the INA classifications. Therefore, the transition period allows time for employers to adjust their hiring practices and for eligible foreign workers to obtain the necessary qualifications and seek nonimmigrant or immigrant visa classifications available under the INA.

What are the requirements to qualify for a CNMI-Only Transitional Worker Visa?

Requirements for Employers

To be eligible to petition for workers for CW visa status, employers must:

- Be engaged in a legitimate business, as defined in the final rule;
- Consider all available U.S. workers for the position;
- Offer terms and conditions of employment consistent with the nature of the employer's business and the nature of the occupation, activity and industry in the CNMI;
- Comply with all federal and CNMI requirements relating to employment, including but not limited to nondiscrimination, occupational safety and minimum-wage requirements; and
- Pay the worker's cost of return transportation to their last place of foreign residence if they are involuntarily dismissed from employment for any reason before the end of the period of authorized admission.

Requirements for Workers

An individual may be eligible for CW-1 nonimmigrant classification if he or she:

- Is ineligible for any other employment-based nonimmigrant status under U.S. immigration law;
- Will enter or stay in the CNMI to work in an occupational category designated as needing foreign workers to supplement the resident workforce;
- Is the beneficiary of a petition filed by a legitimate employer who is doing business in the CNMI;
- Is not present in the United States, other than the CNMI;
- Is lawfully present in the CNMI if present in the CNMI;
- Is otherwise admissible to the United States or is granted any necessary waiver of a ground of inadmissibility.

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How will the rule affect foreign workers living and working in the CNMI?

The CW classification allows employers in the CNMI to sponsor foreign workers who otherwise would be ineligible for status under the INA through the end of the transition period, currently extended until December 31, 2019. At the end of the transition period, CW classification will no longer be available when the transition period ends, and foreign works will need to seek an appropriate nonimmigrant or immigrant classification under the INA. The CW regulation provides for more than 22,000 foreign workers in CW status during the first year of the transition period, but, as required by statute, this number will be reduced annually by at least one and ultimately to zero by the end of the transition period. The numerical limit for Fiscal Year 2016 has been set at 12,999 foreign workers in CW status.

When may employers begin filing petitions for workers?

Employers may begin filing petitions on Oct. 7, 2011. An employer, however, cannot apply for a worker more than six months before the date the employer needs the worker's services. For example, if an employer needs a worker's services on July 1, the employer may submit a petition for the worker no earlier than Jan. 1 of the same year.

What must an employer do to petition for a foreign worker?

Before an employer may petition for a foreign worker, the employer must consider available U.S. workers for the position being filled by the CW worker.

To petition for a foreign worker, an employer must:

- File a Form I-129CW, Petition for a CNMI-Only Nonimmigrant Transitional Worker;
- Offer terms and conditions of employment that are consistent with the nature of the petitioner's business and the nature of the occupation, activity, and industry in the CNMI;
- File appropriate documentary evidence, including evidence demonstrating that the petitioner is an eligible employer and an attestation certifying that the information provided about the employer, job position and prospective worker is accurate and meets the eligibility criteria; and
- Submit the appropriate filing fees.

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Does an employer need to file a separate Form I-129CW for each transitional worker?

No. An employer can file a single petition for multiple workers, so long as all workers:

- Will work in the same occupational category;
- Will be employed for the same period of time;
- Will be employed in the same location; and
- Are requesting the same action in Part 2 of the petition (Change of Status, Extension of Status, etc.).

What evidence should an employer provide with the Form I-129CW petition?

The employer must complete the form fully, including the attestations needed to establish eligibility. The employer should submit evidence, to the extent available, to support the elements in the attestation. For example, in order to support the attestation that there are no qualified U.S. workers available to fill the position, the employer may submit evidence that the job vacancy has been posted in daily newspaper want ads or on job vacancy websites, such as those operated by the CNMI Department of Labor and private recruitment firms.

How can an eligible individual obtain a CW-1 or CW-2 visa from outside the CNMI?

Once an I-129CW filed with USCIS by the employer is approved, the eligible individual applying from outside the CNMI must contact the U.S. Department of State to apply for a CW-1 or CW-2 visa based on the employer's approved petition. The CW-2 classification is limited to dependents of CW-1 status holders (spouses and unmarried children under the age of 18).

Can an individual with CW-1 status change employers?

Yes, but the new employer must file a Form I-129CW petition with USCIS. A CW-1 worker may work for the prospective new employer after the new employer files a nonfrivolous Form I-129CW petition for a change of employer. If the petition is denied, work authorization ceases.

How long is CW status valid?

CW-1 status will be granted for up to one year. The employer may request an extension of status by filing a new I-129CW petition. A dependent's CW-2 status generally expires on the same day as the principal's CW-1 status and can be extended when the principal's CW-1 status is extended.

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I am a foreign worker who has been living and working lawfully in the CNMI, and my employer is willing to sponsor me for the CW visa. What steps do I need to take to obtain CW status in the CNMI?

The following steps need to be taken in this situation.

Step 1: Your employer must submit the following forms to sponsor you:

- A Form I-129CW;
- The $325 application fee;
- The mandatory $150 education fee; and
- Supporting evidence, including certification that the information provided about you, your employer and the job position is accurate and meets eligibility requirements.
- Either you or your employer must also include the $85 biometrics fee with the petition (unless you are requesting consular processing). After your employer files the Form I-129CW, USCIS will contact you regarding when you will need to appear to provide your fingerprints and photograph.

Step 2: If your Form I-129CW is approved, USCIS will mail an approval notice to your employer. Make sure your employer gives you a copy of the approval notice. The approval notice will indicate either that your status in the CNMI has been changed to CW-1 (and include an attached Form I-94) or that you will need to go to a U.S. Embassy or Consulate abroad to receive your CW-1 visa.

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How do my dependents apply to receive CW status?

As a derivative of your employer's application for you to obtain CW-1 status, your dependents lawfully present in the CNMI may apply for CW-2 status. Applicants for CW-2 status must submit:

- The $290 application fee;
- The $85 biometrics services fee if applicable;
- A copy of your approval notice and Form I-94 documenting admission to the CNMI in the CW-1 classification (if available); and
- Form I-539, Application to Change/Extend Nonimmigrant Status.

Dependents may not need to file Form I-539, depending on how the primary CW-1 status is being processed.

If	Then
You are requesting consular processing of your CW-1 status at a U.S. Consulate or Embassy abroad...	your dependents may also seek consular processing of their CW-2 status at the same time. Dependents do not need to file a Form I-539 if they file for CW status from outside the CNMI.
You are in the CNMI and your employer has filed the Form I-129CW requesting CW-1 status for you...	your dependents may file a Form I-539 at the same time or at any time while the I-129CW is pending. The I-539 must be accompanied by an additional biometrics fee unless the dependent is under 14 years of age or is 79 or older. However, your dependents' Form I-539 will not be approved if your employer's petition or the application for your grant of status is denied. If the Form I-539 is approved, USCIS will send your dependents an approval notice as evidence of the approved Form I-539 with a Form I-94 as evidence of CW-2 status.

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I am a foreign worker living abroad and an employer in the CNMI is willing to sponsor me. What are the steps I need to take to obtain a CW visa?

In this situation, the following steps should be taken:

Step 1: For you to obtain a CW visa, the sponsoring employer must first submit the following documents:

A Form I-129CW;
The $325 application fee;
The mandatory $150 education fee; and
Supporting evidence certifying that the information provided about you, your employer and the job position are accurate and meets eligibility requirements.

Step 2: If the petition is approved, USCIS will mail an approval notice to your employer. Your employer will need to send you the original approval notice to your address abroad.

After you receive the approval notice, you will need to schedule a nonimmigrant visa interview at the U.S. Consulate or Embassy nearest to you. Your dependents may simultaneously apply for CW-2 visas with the U.S. Department of State and do not need to file a Form I-129CW or Form I-539. The Department of State has separate application and fee requirements for visa applications.

You and your dependents will not have CW-1 or CW-2 status until you obtain a CW visa from the U.S. Department of State and are admitted to the CNMI. The approval of a Form I-129CW for consular processing approves the classification only and does not grant you any additional status in the CNMI.

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What happens to CW-1 transitional workers and their dependents at the end of the transition period?

At the end of the extended transition period, Dec. 31, 2019, the CW classification will cease to exist (unless the transitional worker program is extended by the U.S. Secretary of Labor). Transitional workers holding CW status must obtain nonimmigrant or immigrant status under the INA before this date if they wish to stay in the CNMI lawfully.

As a CW-1 or CW-2 status holder, what do I need to do in order to travel outside the CNMI?

CW status holders must obtain a CW-1 or CW-2 visa from the U.S. Department of State overseas if they wish to travel abroad and reenter the CNMI. The Department of State has separate application and fee requirements for visa applications. For more information on traveling outside of the CNMI, please visit the Department of State website.

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Can individuals with CW status return from travel outside the CNMI?

A CW-1 or CW-2 nonimmigrant may leave the CNMI, but he or she must have the appropriate visa to reenter the CNMI. The CW worker must apply for a CW visa at a U.S. Embassy or Consulate abroad before seeking readmission to the CNMI. If the CW-1 or CW-2 status is obtained while in the CNMI, the nonimmigrant will be given a Form I-94, Arrival-Departure Record, as documentation of CW status.

Is CW status valid in any part of the United States other than the CNMI?

No, CW status is limited to the CNMI. Individuals with CW status who travel or attempt to travel, without otherwise receiving authorization, to any other part of the United States including Guam have violated their CW status and are subject to removal from the United States to their country of nationality. However, there is one exception as noted in the following FAQ.

Can individuals with CW nonimmigrant status, or with CW visas, transit through the Guam airport?

Individuals who are nationals of the Philippines may travel between the CNMI and the Philippines through the Guam airport under the following conditions:

- Outbound from the CNMI to the Philippines via Guam: The individual is in valid CW status and is traveling on a direct itinerary involving a flight stopover or connection in Guam of no more than eight hours, and the individual remains at the Guam airport during the transit.
- Inbound from the Philippines to the CNMI via Guam: The individual has a valid CW visa and is traveling on a direct itinerary involving a flight stopover or connection in Guam of no more than eight hours, and the individual remains at the Guam airport during the transit.
- Individuals in CW status or with CW visas who are not Philippine nationals are not eligible for the Guam transit exceptions.

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Chapter 11 Haitian Relief Measures

OVERVIEW

USCIS is committed to providing appropriate benefits to Haitian nationals following the earthquake that struck on January 12, 2010. USCIS has announced temporary relief measures that may be available to those individuals who are currently unable to return to Haiti.

Frequently Asked Questions

FAQs continue on next page

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- Can a person from Haiti, who is out-of-status, travel to his or her country to assist stricken family members and then return to the U.S.?
- Can an applicant for adjustment-of-status (with a pending Form I-485) travel to Haiti to assist family members without forfeiting his or her application? Can such applicants travel to Haiti to attend funerals?
- What is the Help HAITI Act of 2010?
- Can a naturalized citizen, originally from Haiti, sponsor nieces and/or nephews or other extended minor family members who were orphaned as a result of the devastation?
- I am a U.S. Citizen in the process of adopting a Haitian child. What is the U.S. Government doing to help me?

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Are Haitian nationals eligible for Temporary Protected Status?

Yes, certain Haitian nationals may be eligible for Temporary Protected Status. To be eligible, an applicant must establish that he or she has been continuously residing in the United States since January 12, 2011 and continuously physically present in the United States since July 23, 2011, as well as meet other admissibility requirements and not be barred from TPS by certain criminal history, security or other mandatory ineligibilities. For the most up to date information on TPS for Haitians, please check our website at www.uscis.gov and click "Humanitarian" and then click "Temporary Protected Status" and then on the left click "TPS Designated Country" Haiti .

Note to Representative: Please see Volume 4.4.3.4 TPS.

What temporary relief measures has USCIS made available to Haitian nationals in response to the earthquake devastating that country?

Temporary relief measures available to nationals of Haiti include favorable adjudication, where possible, of requests for change or extension of nonimmigrant status, acceptance of applications for change or extension of nonimmigrant status submitted after the alien's authorized period of admission has expired, re-parole of aliens granted parole by USCIS, extension of certain grants of advance parole, expedited processing of advance parole requests, favorable and expedited adjudication, where possible, of requests for off-campus employment authorization due to severe economic hardship for F-1 students, expedited processing of immigrant petitions for children of U.S. citizens and lawful permanent residents (LPRs), issuance of employment authorization where appropriate and assistance to LPRs stranded overseas without documents. In addition, since the earthquake, Haiti has been designated twice for Temporary Protected Status. The current TPS designation and the extension expire on July 22, 2017. For more information on TPS for Haitians, see TPS Haiti.

Who may be eligible for temporary relief?

All nationals of Haiti with current immigration benefits or benefit applications pending with USCIS may be eligible for temporary relief. Temporary Protected Status has specific eligibility criteria. See TPS Haiti.

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I am a Haitian national, currently I cannot return to Haiti due to the ongoing effects of the earthquake and my allowed time to stay in the US is expiring or about to expire. What are my options? Can I work during my stay in the US?

You may be eligible for Temporary Protected Status under the designation of Haiti for TPS. In addition, there are certain other avenues for extending or maintaining other immigration benefits that may apply in your case, even if you cannot obtain TPS or in addition to your TPS grant.

Haitian nationals wishing to change or extend their nonimmigrant status must submit an application, per existing standards, and submit evidence establishing that their inability to return to Haiti prior to the expiration of their authorized period of admission was due to the events of January 12, 2010.

Change or Extension of Nonimmigrant Status:

- USCIS has implemented procedures to adjudicate favorably where possible applications for change or extension of nonimmigrant status following the expiration of an applicant's period of admission.
  - Forms I-539, Application to Extend/Change Nonimmigrant Status, currently in process and newly filed applications for Haitian nationals are being identified for immediate processing.
  - B visa non-immigrant visitors can apply for six month extensions of their visas, as long as they remain affected by the earthquake. All other nonimmigrant aliens must continue to meet existing criteria for change or extension of status.
  - In cases where an alien is no longer able to extend his or her current nonimmigrant status, whenever possible favorable consideration will be given to requests for change of status to B-1 or B-2.

Employment Authorization:

- Certain nonimmigrant classifications are not permitted to apply for or receive employment authorization. Nonimmigrant visitors, for instance, would not be granted work authorization. Applicants may only work while in the U.S. if the law allows them to receive employment authorization.

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I am a Haitian national, I was granted parole to enter the United States temporarily. I cannot return to Haiti due to the ongoing effects of the earthquake and my allowed time to stay in the US is expiring or about to expire. What are my options? Can I work during my stay in the US?

You may be eligible for Haiti TPS. If you did not file during one of the initial registration periods for Haiti, you may be able to apply for TPS as a Late Initial Filer, however, you only have 60 days after the expiration of your parole to apply for TPS. You may also apply for TPS while you still have parole. There are specific requirements, however, to obtain TPS under the Haiti designation. For example, you must have continuously resided in the United States since January 12, 2011 and been continuously physically present in the United States since July 23, 2011, among other requirements. For more information, please visit our webpage about TPS for Haiti.

In addition, a Haitian national who has already been paroled into the U.S., may apply to extend the period of parole. If an alien presents a genuine, expired or unexpired Form I-94, which contains an expiration date of January 12, 2010 or later, and the alien demonstrates that he or she was or is prevented from returning to Haiti prior to the expiration of his or her parole as a direct result of the earthquake, he or she may file for re-parole. The length of the extension is at the Director's discretion but normally should not exceed 6 months.

Re-parole Affected Parolees:

Aliens may file for re-parole at the USCIS District office with jurisdiction over their current place of residence in the U.S.: USCIS Office Locations. He or she would need to file an I-131, Application for Travel Document, with the fee of $360, and would include a copy of his or her Form I-94, and a description of why he or she is prevented from returning to Haiti. For more information on this, see "humanitarian parole" under the "humanitarian" section of www.uscis.gov.

Employment Authorization:

- Parolees in the U.S. may apply for employment authorization. For how to apply, please refer to the Form I-765 instructions.

Current requests to extend Advance Parole status will be adjudicated on a case by case basis.

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I am a Haitian national student currently enrolled in school in the US; due to the ongoing effects of the earthquake in Haiti I can no longer cover the cost of my education. What are my options? Can I work during my stay in the US?

Nonimmigrant F-1 students from Haiti who may be unable to continue to cover the cost to engage in a full course of study may need off-campus employment authorization. An F-1 student who can demonstrate that he or she is from Haiti can apply for employment authorization to work off-campus.
The student needs to be recommended for employment by the Designated School Official (DSO) and should submit Form I-765, Application for Employment Authorization along with the Form I-20 with approval from the DSO to the USCIS Service Center with jurisdiction. Please refer to the Form I-765 instructions for specific guidance. For additional details about this temporary form of relief to Haitian nationals, please visit our Web site at www.uscis.gov.

In addition, a Haitian with an F-1 student visa may also be eligible for TPS and be able to receive an EAD as a result of having TPS. However, if you also wish to maintain your student status, you must further ensure that your employment does not violate the terms of your student status. There are special employment-related procedures available to Haitians who wish to maintain their student status and also to work while in TPS. You need to coordinate with your school if you wish to work while in TPS, but also maintain your student status.

I am a Haitian national currently in the US under an Order of Supervision pursuant to a stay of removal issued by U.S. Immigration and Customs Enforcement. Can I work during my stay in the US?

You may be authorized to work and should submit Form I-765, Application for Employment Authorization, and USCIS will adjudicate as promptly as possible.

I am a Haitian national; I have a pending case with USCIS and need my case expedited due to the ongoing effects of the earthquake in Haiti. What are my options?

When there is a demonstrated need for immediate relief, USCIS will expedite certain applications. Standard requirements for security checks remain in place under expedited procedures.

Expedited Processing:

- **Relative Petitions for Minor Children of legal permanent residents and U.S. citizens Residing in Haiti:**
  - In cases where the petitioner requests expedited processing of a Form I-130, Petition for Alien Relative, for a child from Haiti, the case will be expedited in situations where a visa number is readily available.
- **Requests for Advance Parole:**
  - Haitian nationals with benefit applications pending in the United States may need to travel quickly for emergent reasons and will need to apply for advance authorization for parole to return to the United States. USCIS will expedite the Form I-131, Application for Travel Document, when an applicant demonstrates an emergent need to travel.

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I am a Haitian national; I am in removal proceedings and cannot leave due to the continuing effects of the earthquake in Haiti. What are my options?

Individuals from Haiti who are under a final order of removal may be granted a stay of removal. This temporary suspension is specific to Haiti due to the massive infrastructure damage.

- Decisions will be made on a case-by-case basis and based on specific circumstances.
- Where appropriate and authorized by law, nonimmigrant visitors and aliens that receive a stay of removal may be eligible to apply for or receive employment authorization so that they may financially support themselves, or potentially help the rebuilding effort by sending remittances to Haiti.

If a person from Haiti is out-of-status, will this person be eligible for any relief?

A person whose nonimmigrant status has expired may be able to file for a change or extension of status, if he or she was in a valid, nonimmigrant status. In addition, the individual may be eligible for TPS under the Haiti designation.

Can a person from Haiti, who is out-of-status, travel to his or her country to assist stricken family members and return to the U.S.?

A person from Haiti who is out of status may travel to Haiti, but will generally not be eligible for Advance Parole. Advance parole is permission to re-enter the United States. In some circumstances, USCIS may, as a matter of discretion, grant advance parole to a person who has certain pending applications, such as an adjustment of status application or a TPS application. There is no guarantee that that person would be allowed to reenter the United States after departing, and persons with pending applications may run the risk of missing important notices from USCIS, such as a request for additional evidence to support their applications. In addition, persons with pending applications may be denied the benefits that they seek while they are outside of the United States and then may not be permitted to re-enter the United States.

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Can an applicant for adjustment-of-status (with a pending Form I-485) travel to Haiti to assist family members without forfeiting his or her application? Can such applicants travel to Haiti to attend funerals?

Aliens with a pending Form I-485, Application to Register Permanent Residence or Adjust Status, may be eligible to leave the U.S. and return if they have received Advance Parole via an approved Form I-131, Application for Travel Document. Aliens wishing to return to Haiti to assist family members or attend funerals can request expedited processing of their I-131's as described above. So long as the alien has been approved for Advance Parole, he or she may travel for short periods of time outside of the United States without abandoning the application for permanent residence. However receiving Advance Parole does not guarantee reentry into the United States.

What is the Help HAITI Act of 2010?

The Help HAITI Act of 2010 allows certain Haitian orphans paroled into the United States to become lawful permanent residents. Applications for permanent residence under this law may be filed any time on or before December 9, 2013. To be eligible for permanent residence under the Help HAITI Act of 2010, the orphan must have been inspected and granted paroled into the United States under the humanitarian parole policy announced by the Secretary of Homeland Security on January 18, 2010. To apply, Form I-485, Application to Register Permanent Residence or Adjust Status, must be filed with fee, along with Form I-693, Report of Medical Examination and Vaccination Record,; a copy of the I-94 that was received upon parole and evidence of identity and nationality. For more information and filing instructions, please visit the USCIS website: www.uscis.gov and read the Help HAITI Act of 2010. You may also call 877-424-8374 or email NBC.adoptions@dhs.gov.

Can a naturalized citizen, originally from Haiti, sponsor nieces and/or nephews or other extended minor family members who were orphaned as a result of the devastation?

A U.S. citizen, whether naturalized or born in the United States, may not file a Form I-130, Petition for Alien Relative, on behalf of a niece, nephew or other minor extended family member who was orphaned as a result of the earthquake. A U.S. citizen may only petition for his or her spouse, parents, children, adult sons and daughters, and brothers and sisters.

Information about how and if a U.S. citizen may adopt a child from Haiti, can be found at: www.adoptions.state.gov. "Haiti" can be selected from the list of countries.

Back to: Haitian Relief Measures Special Programs and Services Main Menu

I am a U.S. Citizen in the process of adopting a Haitian child. What is the U.S. Government doing to help me?

USCIS and the U.S. Department of State have worked together to expedite certain pending Haitian adoption cases. To help USCIS improve our processing of Haitian adoption cases, please send us detailed information about your adoption case to HaitianAdoptions@dhs.gov. In the e-mail please provide as much information as possible, such as:

- Name of prospective adoptive parents;
- Prospective adoptive parent contact information;
- Name of matched child;
- Child's date of birth;
- Current location of child;
- Date Form I-600A was filed and with which USCIS office;
- Date Form I-600 was filed and with which USCIS office;
- Whether the adoption in Haiti was finalized; and
- The Haitian or U.S. documents you are able to provide (Only list the documents, do not send copies).

Finally, we encourage you to visit our website at www.uscis.gov and the U.S. Department of State website at www.adoption.state.gov for more information and updates.

Back to: Haitian Relief Measures Special Programs and Services Main Menu

Chapter 12 Information about Other Special Programs, including Cuban Migration, Immigrant Status for Iraqi and Afghan Translators, and Visas for Certain Iraqi or Afghan Nationals Who Worked for the U.S. Government, the Wounded Warrior Program, and the MAVNI Pilot Program

OVERVIEW

USCIS provides resources by which foreign nationals from a variety of countries may gain permanent resident status through special programs. This includes Special Program for Cuban Migration, among others. Using the information below, you can find special programs that allow them to apply for permanent resident status. Also included below is information about other programs such as the Wounded Warrior Program.

For information about these and other Special Programs, please visit our webpage at www.uscis.gov/green-card/other-ways-get-green-card.

- **Information Regarding the Parole for Cuban Medical Professionals from Third Countries**

  On August 11, 2006, the Department of Homeland Security announced that it would now allow certain Cuban medical personnel in third countries (that is, not in Cuba or the United States) to apply for parole at a U.S. Embassy or Consulate.

  To qualify for consideration of parole, individuals must meet the following criteria:
  - Must be a Cuban national or citizen.
  - Must be a medical professional currently conscripted to study or work in a third country under the direction of the Government of Cuba.
  - Must be admissible into the United States.

- **Information Regarding Special Immigrant Status for Afghan and Iraqi Civilian Translators**.

  Special immigrant status is available to Afghan and Iraqi nationals who have worked directly for the United States Military as translators. Created by the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), this new immigration category allows translators and their families to gain admission to the United States, apply for permanent residency and eventually acquire U.S. Citizenship. To request special immigrant status, translators must file a "Petition for Amerasian, Widow(er), or Special Immigrant" (Form I-360) with the required evidence. For more information, please visit our webpage about Green Cards for Afghan and Iraqi Translators.

  Priority dates for this special class of visa petitions can be found on the Department of State website at www.travel.state.gov.

Continued on next page

- **Information Regarding the Special Immigrant Visa for Certain Iraqi Nationals Who Worked for the U.S. Government**

  On July 9, 2008, USCIS announced guidelines for a new special immigrant visa for certain Iraqi nationals who worked for, or were contractors of the United States government in Iraq for at least one year on or after March 20, 2003. Section 1244 of the Defense Authorization Act for Fiscal Year 2008 authorizes 5,000 special immigrant visas for Iraqi employees and contractors each year, as well as their spouses and children. To apply, you must file Form I-360, Petition for Amerasion, Widow)er), or Special Immigrant. There are no filing or biometric fees associated with this application. If the numerical limitation for FY 2012 is not reached, any unused numbers from that year may be used in FY 2013. Numbers will not carry forward into FY 2014.

  This program was extended by Congress. The extension permits USCIS to approve petitions or applications for visas or adjustment of status to lawful permanent residents in any Iraqi Special Immigrant Visa cases that were pending with USCIS or with the Department of State (DOS) when the program expired on September 30, 2013. USCIS may also approve an additional 2,000 cases as long as the initial applications to the DOS Chief of Mission in Iraq are made by December 31, 2013.

  For additional information, please visit our webpage about Green Cards for Iraqi Nationals who assisted the U.S. government.

- **Information Regarding the Special Immigrant Visa for Certain Afghan Nationals Who Worked for the U.S. Government**

  The Afghan Allies Protection Act of 2009, Section 602(b), authorizes special immigrant status for Afghan nationals who have been employed by or on behalf of the U.S. government in Afghanistan on or after October 7, 2001, for a period of not less than one year. The total number of individuals who may be provided special immigrant status under this program may not exceed 1,500 per year. To apply, you must file Form I-360, Petition for Amerasion, Widow)er), or Special Immigrant.

  For additional information, please visit our webpage about Green Cards for Afghan Nationals who assisted the U.S. government.

Continued on next page

- **Information Regarding the Military Accessions Vital to National Interest (MAVNI) Recruitment Pilot**

MAVNI is a military recruitment pilot program. This program recruits certain legal aliens (nonimmigrants) whose skills and considered vital to the national interest. Those holding critical skills (physicians, nurses, and experts in certain languages) would be eligible. This pilot program will recruit up to 1,000 nonimmigrants and will continue for a period of up to one year.

More information on the MAVNI program is available online at www.goarmy.com/info/mavni or in the Defense Department Fact Sheet: www.defenselink.mil/news/mavni-fact-sheet.pdf. USCIS' website, www.uscis.gov/military, has immigration-related information and links to resources geared specifically for members of the military and their families

- **Information about the USCIS Wounded Warrior Program**

USCIS established the Wounded Warrior Program to recruit and hire severely wounded veterans. While not guaranteeing a job, USCIS provides veterans the opportunity to interview for available positions. USCIS has established a liaison with many organizations, including:

  - U.S. Army Wounded Warrior Program;
  - Soldier and Family Assistance Centers;
  - Department of Veterans Affairs, Vocational Rehabilitation and Employment;
  - Department of Defense's Operation Warfighter;
  - U.S. Marine Corps Wounded Warrior Regiment;
  - Department of Labor's Americas Heroes at Work;
  - Salute America's Heroes; and
  - National Reconnaissance Office.

While USCIS is committed to recruiting all severely wounded veterans, to maintain consistency with other federal wounded warrior programs, our recruiting is focused on those who:

  - Suffer from injuries or illness incurred in the line of duty after September 10, 2001, and
  - Receive or expect to receive a Department of Defense or Veterans Affairs disability rating of 30 percent or greater in categories such as: loss of limb, loss of vision/blindness, spinal cord/paralysis, permanent disfigurement, loss of hearing/deafness, severe burns, traumatic brain injury, post-traumatic stress disorder, and any other condition requiring extensive hospitalization or multiple surgeries; or
  - Receive a Department of Defense or Veterans Affairs combined rating equal to or greater than 50 percent for any other combat or combat related condition.

Interested candidates are encouraged to send their resume and their DD Form 214 and DoD/VA letter of disability rating (if issued) to vicky.crawford@uscis.dhs.gov. Interested candidates are also encouraged to call USCIS Recruiting at 202-233-2500 and ask for the Wounded Warrior Program Manager.

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Chapter 13 Freedom of Information Act (FOIA)

OVERVIEW

Enacted in 1966, The Freedom of Information Act (FOIA) is a federal law that gives the public greater access to Federal Government records and information with certain exemptions, such as National Security Information, Confidential Business Information, Personal Privacy, Certain Law Enforcement Records, etc. The Act can be found at 5 U.S.C. Section 552.

Frequently Asked Questions

- What is FOIA?
- Who is eligible to file a request under FOIA?
- Who is eligible to file a request under the Privacy Act?
- How Do I submit a FOIA request or obtain a copy of my file?
- Where do I submit a FOIA request?
- What is the National Records Center (NRC)?
- How long will it take to receive a response to my FOIA request?
- How can I check on the status of my FOIA request?
- I received a letter from USCIS stating my request was put on the complex track. What does that mean?
- How do I change the track of my case (Simple versus Complex - How do I narrow the scope of my request)?
- I have a hearing before a Judge. Why was my Track 3 request denied?
- I need to have my FOIA request expedited. How do I do that?
- I can't afford to pay the fees for my FOIA request. Can I have the fees waived?
- How do I change the mailing address on my existing FOIA request?
- How do I change the attorney or representative on my FOIA request?
- How can I request that my records be sent to me via overnight or express mail?
- How do I make a "Request for a Certification of Non-Existence of a Record"?

FAQs continue on next page

- How do I obtain Certified Copies of my naturalization certificate or other documents?
- I filed a FOIA request and received a request for more information. Why do I need to provide additional information?
- I received a request for more information and I need more time to get the documents. Can I get an extension of time to supply the requested information?
- I received the documents I requested. Can I get better quality copies?
- I received my requested records. However, I didn't receive everything. How can I get the missing documents?
- The CD I received was broken. How can I get a replacement?
- I received a "no record" letter and would like to have a second search done. How do I request another search?
- I received a letter stating that my request was being closed out as a duplicate request. I still need my information. Am I going to receive it?
- I received my response and there were pages marked "Referred to another government agency." What does this mean?
- How do I file a FOIA request for a border incident, or for information regarding voluntary removal?
- Can I file a FOIA request to obtain a copy of my immigration record so I can determine my immigration status?
- I am blind or have a visual impairment and cannot read my records. How can I request assistance?

Note to Representative: Please do not transfer any callers with FOIA questions to Tier 2. Tier 2 representatives do not have access to any additional FOIA information. If the above FAQs do not address the customer's question, please provide the customer with the following contact information:

Address: Department of Homeland Security
National Records Center
PO BOX 648010
Lee's Summit, MO 64064-8010
Fax: 816-350-5785
E-mail: USCIS.FOIA@USCIS.DHS.GOV

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What is FOIA?

The Freedom of Information Act (FOIA or the Act) is a law enacted in 1966 that provides any person with the right to request access to government records, except those records exempted by the Act (e.g., classified national security, business proprietary, personal privacy, and investigative). The Act provides the public with the right to know or be informed about activities, decisions and policies of U.S. federal agencies. The Act can be found at 5 U.S.C. § 552.

Who is eligible to file a request under FOIA?

Any person can file a request under FOIA, including U.S. citizens, Legal Permanent Residents, foreign nationals, organizations and associations.

Who is eligible to file a request under the Privacy Act?

To file a request under the Privacy Act, the requester must either be a U.S. citizen or a Legal Permanent Resident.

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How Do I submit a FOIA request or obtain a copy of my file?

- You must submit all requests in writing. USCIS does not require you to use a specific form. You have the option to submit a completed Form G-639, Freedom of Information/Privacy Act Request. You may download Form G-639 from our website at www.uscis.gov/foia. Please read the instructions to the form. The form outlines the required information needed to submit your FOIA request.
- Individuals who are the subject of the record being requested must consent to the release of information by signing the request. If using Form G-639, see Number 3.
- Individuals who are the subject of the record being requested must verify their identity by signing the request. Signatures must either be notarized or executed under penalty of perjury. If using Form G-639, see Number 4.
- Individuals requesting access to their own records must consent to pay all costs incurred up to $25 by signing the request. If using Form G-639, see Number 5.

Please submit your FOIA request to one of the following:

Address: Department of Homeland Security
National Records Center
PO BOX 648010
Lee's Summit, MO 64064-8010
Fax: 816-350-5785
E-mail: USCIS.FOIA@USCIS.DHS.GOV

Where do I submit a FOIA request?

Please submit all new FOIA requests, FOIA inquiries, FOIA status requests, and address changes for a FOIA case to one of the following:

Address: Department of Homeland Security
National Records Center
PO BOX 648010
Lee's Summit, MO 64064-8010
Fax: 816-350-5785
E-mail: USCIS.FOIA@USCIS.DHS.GOV

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What is the National Records Center (NRC)?

The National Records Center is a facility that houses approximately 25 million immigration A-files at one location. In addition, all FOIA/PA operations for USCIS are centralized at this location.

How long will it take to receive a response to my FOIA request?

By statute there is a mandatory timeframe for responding to a FOIA request. The Act requires that government agencies respond to a FOIA request within 20 business days.

How can I check on the status of my FOIA request?

You may check the status of your request by going to our website at www.uscis.gov/foia. You must have the NRC control number associated with the FOIA request. This number is located in the upper right hand portion on all correspondence received from the NRC. It is an alpha-numeric number and will begin with three letters. Alternatively, status requests may be submitted to one of the following:

Address: Department of Homeland Security
National Records Center
PO BOX 648010
Lee's Summit, MO 64064-8010
Fax: 816-350-5785
E-mail: USCIS.FOIA@USCIS.DHS.GOV

I received a letter from USCIS stating my request was put on the complex track. What does that mean?

USCIS uses a 3 track FOIA processing system.

- Track 1 is a request for very specific information or documents. A request for a copy of a green card or your naturalization certificate is an example of a Track 1 request. These are considered simple requests because they require minimal documents to be researched and reviewed.
- Track 2 requests ask for a copy of the entire record. These are considered complex requests because they require research and review of more documents.
- Track 3 requests involve individuals served with a charging document that are scheduled for an immigration hearing.

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How do I change the track of my case (Simple versus Complex - How do I narrow the scope of my request)?

If you have requested an entire copy of your file, your request has been placed in Track 2, or the complex track. You may narrow the scope of your request from a copy of the entire record to a copy of specific documents. This will move your request to Track 1. Track 1 cases are typically processed in a shorter amount of time than Track 2 cases because fewer documents are being reviewed for release. If you have been served with a charging document and are currently scheduled for a hearing before an immigration judge, you may ask for Track 3 status. Track 3 cases receive accelerated processing.

To narrow the scope of your request or change the track of your case, you may mail, e-mail or fax a request to modify your FOIA request to include only specific documents. Please include your NRC control number, the specific document(s) you are requesting, your current address, and your signature. If you wish to obtain Track 3 status, you will need to submit the request in writing and include one of the following documents:

- Notice to Appear (Form I-862);
- Order to Show Cause (Form I-122);
- Notice of Referral to Immigration Judge (Form I-863); or
- A written Notice of Continuation of a scheduled hearing before the immigration judge.

All submissions may be submitted to one of the following:

Address: Department of Homeland Security
National Records Center
PO BOX 648010
Lee's Summit, MO 64064-8010
Fax: 816-350-5785
E-mail: USCIS.FOIA@USCIS.DHS.GOV

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I have a hearing before a Judge. Why was my Track 3 request denied?

Most Track 3 cases are denied because the requestor failed to provide the proper documentation. You must submit either a

- Notice to Appear (Form I-862);
- Order to Show Cause (Form I-122);
- Notice of Referral to Immigration Judge (Form I-863); or
- A written Notice of Continuation of a scheduled hearing before the immigration judge.

The document submitted must be properly signed and must contain a future, certain date. Court orders that contain a past court date, or a court date to be determined are not sufficient for Track 3 status.

I need to have my FOIA request expedited. How do I do that?

Requests for expedited treatment must be submitted in writing. A requester who seeks expedited processing must submit a statement, certified to be true and correct to the best of that person's knowledge and belief, explaining in detail the basis for requesting expedited processing. Certification can be accomplished either by having your statement notarized by a notary public or by self-certifying. In order to self-certify the requester must add a sentence at the end of the request for expedited treatment that the information contained in the request is true and correct to the best of their knowledge and belief. The request must be signed under penalty of perjury. You may refer to the bottom of Form G-639 for an example.

Submit your request, along with your NRC control number, to one of the following:

Address:	Department of Homeland Security National Records Center PO BOX 648010 Lee's Summit, MO 64064-8010
Fax:	816-350-5785
E-mail:	USCIS.FOIA@USCIS.DHS.GOV

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I can't afford to pay the fees for my FOIA request. Can I have the fees waived?

Request for fee waivers must be submitted in writing. Submit your request, along with your NRC control number, to one of the following:

Address: Department of Homeland Security
National Records Center
PO BOX 648010
Lee's Summit, MO 64064-8010
Fax: 816-350-5785
E-mail: USCIS.FOIA@USCIS.DHS.GOV

How do I change the mailing address on my existing FOIA request?

To change the address where your records will be mailed, you must submit notification including the old address, the new address, NRC control number, and the signature of the requestor in writing to one of the following:

Address: Department of Homeland Security
National Records Center
PO BOX 648010
Lee's Summit, MO 64064-8010
Fax: 816-350-5785
E-mail: USCIS.FOIA@USCIS.DHS.GOV

How do I change the attorney or representative on my FOIA request?

Requests to change attorneys will only be accepted with the consent of the original attorney. The original attorney must mail or fax a written, signed request asking for the substitution of the parties. If you cannot obtain the written notification from the original attorney, your newly appointed attorney must submit a new Form G-28 along with your new request. This will be treated as a new request and the process will begin anew. Please include your NRC control number and submit it to one of the following:

Address: Department of Homeland Security
National Records Center
PO BOX 648010
Lee's Summit, MO 64064-8010
Fax: 816-350-5785
E-mail: USCIS.FOIA@USCIS.DHS.GOV

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How can I request that my records be sent to me via overnight or express mail?

To receive records via overnight or express mail, an account with Federal Express is required. You will need to provide us with your account information in writing. We will send the response ONLY via Federal Express. Please include your NRC control number and submit it to one of the following:

Address: Department of Homeland Security
National Records Center
PO BOX 648010
Lee's Summit, MO 64064-8010
Fax: 816-350-5785
E-mail: USCIS.FOIA@USCIS.DHS.GOV

How do I make a "Request for a Certification of Non-Existence of a Record"?

To obtain a certification of the non-existence of a record, you need to send your name, date of birth, country of birth and any other pertinent information to:

U.S. Citizenship and Immigration Services
ATTN: Records Operations Branch
1200 First Street NE
Washington, D.C. 20529-2204

Additional information concerning Dual Citizenship may be obtained on the following webpage: Dual Citizenship.

How do I obtain Certified Copies of my naturalization certificate or other documents?

We do not certify copies of records. If you have lost your original naturalization certificate, you must submit an application to have it replaced. To apply for a replacement Naturalization or Citizenship Certificate file Form N-565, Application for Replacement Naturalization/Citizenship Document.

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I filed a FOIA request and received a request for more information. Why do I need to provide additional information?

Many individuals have the same or similar names. It is important that we properly identify the correct record related to your request. The additional information is needed to assist us in quickly and accurately locating your records.

I received a request for more information and I need more time to get the documents. Can I get an extension of time to supply the requested information?

Yes. If you need more time than was given in your acknowledgement letter to supply additional information you may request additional time. Please include your NRC control number and submit it to one of the following:

Address:	Department of Homeland Security National Records Center PO BOX 648010 Lee's Summit, MO 64064-8010
Fax:	816-350-5785
E-mail:	USCIS.FOIA@USCIS.DHS.GOV

I received the documents I requested. Can I get better quality copies?

The copies you were provided in response to your FOIA request were the best copies available. Many of our documents are old and we provide the best available copy.

I received my requested records. However, I didn't receive everything. How can I get the missing documents?

If the cover letter you received attached to your records included instructions on how to file an appeal, you may file an appeal within 60 days from the date of the letter. After 60 days, you must submit a new FOIA request. If there was no appeal paragraph contained in the letter, you must submit a new FOIA request.

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The CD I received was broken. How can I get a replacement?

Please send a written request including your contact information and the NRC control number and we will mail a duplicate copy. Please send your request to one of the following:

Address: Department of Homeland Security
National Records Center
PO BOX 648010
Lee's Summit, MO 64064-8010
Fax: 816-350-5785
E-mail: USCIS.FOIA@USCIS.DHS.GOV

I received a "no record" letter and would like to have a second search done. How do I request another search?

We conducted a comprehensive search of all records based upon the information you provided. If you have additional information which may assist us in locating a record, you may submit the new FOIA request along with the additional information to the NRC along with a request that a second search be conducted. Please be sure to reference your original control number in your request to assist us. Your request will be considered to be a new request. If your request is related to genealogy or historical records, those must now be submitted to the USCIS Genealogy program.

I received a letter stating that my request was being closed out as a duplicate request. I still need my information. Am I going to receive it?

Your letter should contain a reference to a second NRC control number. That should be the request that your records will be processed under.

I received my response and there were pages marked "Referred to another government agency." What does this mean?

Occasionally there will be documents in an immigration record that were created by another government agency. We are generally unable to process those documents under FOIA and must send them to the other agency for their review and disclosure. If the cover letter you received with your records indicated that pages were referred to another government agency, you will receive separate correspondence from that agency.

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How do I file a FOIA request for a border incident, or for information regarding voluntary removal?

For information related to incidents at the border, or other border related information, or voluntary removal, please submit a FOIA request to U.S. Customs and Border Protection at the following address:

U.S. Customs and Border Protection
Attn: FOIA Division
799 9th Street NW, Mint Annex
Washington, DC 20229-1177

Can I file a FOIA request to obtain a copy of my immigration record so I can determine my immigration status?

Yes, please provide as much biographic information as possible and any information you may have about previous entries and exits from the United States to increase the likelihood of locating your record.

I am blind or have a visual impairment and cannot read my records. How can I request assistance?

You may submit a request for assistance to USCIS.FOIA@uscis.dhs.gov. Please provide your name, a phone number where you can be reached, your FOIA request control number, the type of assistance required, and a description of the assistance needed (including the document type and number of pages with which you need assistance). Your request will be reviewed and a representative will contact you within 5 business days to address your needs. If the assistance provided by the representative is not sufficient, an electronic document that is partially or fully compatible with electronic readers will be provided to you within 10 business days.

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Chapter 14 Miscellaneous Calls

OVERVIEW

Customers sometimes call with questions seeking information on topics that are better answered by USCIS or other government agencies. This is a reference source for referring these callers to the agency that can better answer their questions.

Miscellaneous Calls

Note to Representative: If a customer has a question regarding Class of Admission Codes, please transfer to Tier 2, UNLESS Tier 2 live assistance is unavailable.

Calls from the Media or from persons wishing general information about immigration

Please contact USCIS, Office of Communications, Public Affairs: 202-272-1200.

Callers wishing to register a complaint about employee misconduct or about the service they received from a USCIS employee

- If you wish to file a complaint about the service you received from a USCIS employee:
  1. Please file your complaint in writing to the Office Director at the office where you were served. You can obtain the office addresses online at www.uscis.gov.
  2. If you have tried working with the local office director and you do not believe you received an appropriate response, you can contact the Office of Security and Integrity by fax at 202-233-2453 or by mail at:

     Chief, Investigations Division
     OSI MS 2275
     USCIS
     633 Third Street NW, 3rd Floor
     Washington, DC 20529-2275

- If you wish to file a complaint about employee misconduct, please contact the Office of Security and Integrity by fax at 202-233-2453 or by mail at:

  Chief, Investigations Division
  OSI MS 2275
  USCIS
  633 Third Street NW, 3rd Floor
  Washington, DC 20529-2275

- If you wish to report criminal misconduct by a USCIS employee, you can contact the Office of the Inspector General at their toll-free line 1-800-323-8603, by fax at 202-254-4292, or by e-mail at dhsoighotline@dhs.gov.

Continued on next page

Calls about reporting an immigration services scam

You can report an immigration services scam to the Federal Trade Commission at https://www.ftccomplaintassistant.gov/ or call 1-877-382-4357. You can also report it to your state attorney general's office or, in some cases, your state bar. Information on how to report immigration services scams in every state is available online at www.uscis.gov/avoidscams under the "Report Immigration Scams" tab.

Calls about immigration benefit fraud

Please email the USCIS Fraud Detection and National Security at: ReportFraudTips@uscis.dhs.gov.
Note to representative: Please do not advise the caller about what information to include in the email.

Calls about immigration enforcement or illegal immigration activity/illegal alien

1. Please contact U.S. Immigration and Customs Enforcement (ICE) by completing their online tip form at www.ice.gov/webform/hsi-tip-form.

2. You can also visit the U.S. Customs and Border Protection website at www.cbp.gov.

Calls about entering the U.S. and inspections at a Port of Entry

Please visit the U.S. Customs and Border Protection Website at www.cbp.gov.

Calls about Social Security Cards and Social Security Account Numbers

Please contact the Social Security Administration at 1-800-772-1213 or visit their website at www.ssa.gov for more information.

General calls about labor laws or labor issues

Please visit the Department of Labor website at www.dol.gov.

For specific information requested:

Calls about foreign labor certifications or labor condition applications

Please visit the DOL Employment and Training Administration website at www.doleta.govor www.foreignlaborcert.doleta.gov

Calls from foreign national employees wishing to report abuse from a U.S. employer, such as wage and hour violations

Please contact the DOL Employment Standards Administration at 1-866-487-9243 or visit their website at www.dol.gov/whd.

Calls from Civil Surgeons seeking guidance on technical instructions

Please visit the website of the Civil Surgeons to the Center for Disease Control at www.cdc.gov/ncidod/dq/civil.htm.

Calls about taxes, taxpayer identification numbers, and income tax reporting issues

Please visit the website of the U.S. Internal Revenue Service at www.irs.gov.

Calls about the USCIS Genealogy Program (Fee-for Service Program Replaces Lengthy Freedom of Information Act / Privacy Act (FOIA) Request).

Please visit the website of the USCIS Genealogy Program at: www.uscis.gov/genealogy for more information.
If you have questions about the USCIS Genealogy Program please email Genealogy.USCIS@dhs.gov

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Calls from the Media or from persons wishing general information about the USCIS Customer Identity Verification Pilot (CIV)

Please contact your local USCIS Field Office to obtain information about the USCIS Customer Identity Verification Pilot.

Calls about a matter in Immigration Court (administered by the U.S. Department of Justice, Executive Office for Immigration Review)

For information about a matter in Immigration Court, please visit the EOIR website at www.usdoj.gov/eoir or call their electronic information system: 1-800-898-7180. The electronic information system will require your A-Number for case information.

Calls about visa processing, priority dates, U.S. Consulates or Embassies abroad, or passports

Please visit the Department of State website at www.state.govor travel.state.gov.

Calls about Foreign Consulates in the U.S.

Please visit the Department of State website: www.state.gov/s/cpr/rls/fco.

Calls about obtaining biometric services for visa applicants to the United Kingdom (UK) and Canada

The USCIS Application Support Center (ASC) provides biometric-capture services to UK or Canadian visa applicants who reside in the United States. As such, the ASCs have NO AUTHORITY to review or answer questions about the UK or Canadian visa processes.

For information about biometrics-capture services for UK visa applicants please visit www.gov.uk/visas-immigration. From this website, you can navigate to the website with information about where biometrics-capture services are located in the U.S. at www.vfsglobal.co.uk/USA/applicationcentre.html.

For information about biometrics-capture services for Canadian visa applicants, please visit www.cic.gc.ca/english/visit/index.asp. From this website, you can navigate to the website with information about where biometrics-capture services are located in the U.S. at http://cic.mapcms.veriday.com/client/cic.

Calls on behalf of individuals in Canada who want information about U.S. immigration benefits and services

If you are currently residing in Canada, you may use the general inquiry mailbox USCIS.Canada@dhs.gov.
Note to Representative: The mailbox provides customer service to those in Canada who cannot access the USCIS National Customer Service Center's toll-free number.

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Calls about immigration related free/pro bono legal services

Please visit the EOIR website at www.usdoj.gov/eoir/probono/states.htm. The EOIR does not provide attorneys, but maintains a list of attorneys who can provide low cost or free legal services.

Calls about State Vital Statistics Bureaus

Please visit the National Center for Health Statistics website at www.cdc.gov/nchs/nvss.

Calls about the Citizenship Grant Program

For information about the Citizenship Grant Program, please visit our webpage at www.uscis.gov/grants.

Calls about contacting the Selective Service?

If you are between 18 and 26, you can register for the Selective Service:

- At any United States Post Office; or
- On the Selective Service System website at: www.sss.gov.

To confirm that you are registered or if you cannot remember your number or if you would like more information about selective service requirements and procedures:

- Check the Selective Service System's website at: www.sss.gov, or
- Call them at 1-847-688-6888 or call the toll free number at 1-888-655-1825

Calls requesting information about the SAVE or E-Verify Programs

To Contact SAVE

USCIS Verification Programs Contact Center 1-877-469-2563
SAVE Technical Helpline 1-800-741-5023
E-mail Address SAVE.HELP@dhs.gov
Note to Representative: If the caller's immigration status is being verified by a government agency and the caller would like to know the status of his/her verification case with SAVE, refer the caller to www.uscis.gov/save/save-case-check.

To Contact E-Verify

For Employers: 888-464-4218 / 877-875-6028 (TTY) - E-Verify@dhs.gov
For E-Verify Employer Agents: 888-464-4218 / 877-875-6028 (TTY) - E-VerifyEmployerAgent@dhs.gov
For Employees: 888-897-7781 / 877-875-6028 (TTY) - E-Verify@dhs.gov

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Additional Links

Resources	Related Sites
• Forms & Fees • Processing Times • Case Status Online • SRMT - Referrals • Office Locator • "How Do I...?" • Appointments (INFOPASS) • FOIA • Genealogy • E-Filing • Citizenship Grant Program • USCIS Questions and Answers • Glossary of Immigration Terms • News@ USCIS News Room	• Department of Homeland Security • Customs and Border Protection • Immigration and Customs Enforcement • Department of State • Social Security Administration • Internal Revenue Service • Department of Labor • Department of Health and Human Services

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Chapter 15 Operation Vigilant Sentry

OVERVIEW

Operation Vigilant Sentry (OVS) was established to address a mass migration from the Caribbean. USCIS has the responsibility of providing a call center to respond to customer inquiries about the status of migrants who may have been interdicted at sea.

Information Regarding Operation Vigilant Sentry (OVS)

Note to Representative: If you did not receive an "OVS Whisper" prior to connection, tell customer to call back on Operation Vigilant Sentry phone line at 1-866-300-3124

CSR prompt – Based on the choices you made in our automated system, it appears that you are seeking information about an undocumented migrant that may have been picked up at sea, is that correct?

Yes

If no, advise the customer to call the USCIS National Customer Service Center at 1-800-375-5283

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Note to Representative: Please provide the following statement until notified by CCE that a migration event is in progress.

We have no information indicating that a migration event is in progress at the current time. You have reached the correct location to check on your relative if a migration event occurs in the future.

Note to Representative: Please provide the following information after being notified by CCE that a migration event is in progress.

Please provide the first name, last name, country of birth, and date of birth for the relative you are trying to locate?

Note to Representative: Search the migrant interdiction database using the information provided by the caller (limited to 5 inquiries per call).
Information will only show up in the system if the interdicted migrant has signed a release of information consent form.

Was information located in the migrant interdiction database?

If yes, tell the customer:

We were able to locate information on an individual with the name, country of birth, and date of birth that you provided. We can confirm that (name of individual) was picked up at sea. Due to privacy laws we are not permitted to share further information. You will need to wait for (name of individual) to contact you.

If no, tell the customer:

We regret that we are unable to locate any information regarding (name of individual) based on the information you have provided. Although we are unable to provide any information at this time regarding an individual matching the information you have provided, you are welcome to call again tomorrow since our records are updated approximately every 24 hours.

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Chapter 16 Consideration of Deferred Action for Childhood Arrivals

OVERVIEW

On June 15, 2012, the Secretary of Homeland Security announced that certain people who came to the United States as children and meet several key guidelines may request consideration of deferred action for a period of two years, subject to renewal, and would then be eligible for work authorization.

Individuals who can demonstrate through verifiable documentation that they meet these guidelines will be considered for deferred action. Determinations will be made on a case-by-case basis under the guidelines set forth in the Secretary of Homeland Security's memorandum.

On June 5, 2014, USCIS published a new version of Form I-821D and began accepting renewal requests for Consideration of Deferred Action for Childhood Arrivals on the new form.

On November 20, 2014, the President of the United States announced new guidelines to request Consideration of Deferred Action for Childhood arrivals which

- Remove the age limit for requesting DACA;
- Change the date of continuous residence to January 1, 2010; and
- Extend the period of DACA from two to three years.

On February 16, 2015, the United States District Court for the Southern District of Texas issued a temporary injunction on certain aspects of executive action on immigration. This ruling is an injunction; meaning that until a final decision is made, USCIS will not begin accepting requests for the expansion of Deferred Action for Childhood Arrivals (DACA) on February 18th as originally planned. Secretary Johnson issued a statement on February 17, 2015, emphasizing that the District Court's order does not affect existing DACA.

FAQs about Requesting Consideration of Deferred Action for Childhood Arrivals

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Note to Representative: If the answer to the customer's question is not found in the following FAQs, please refer the customer to our webpage at www.uscis.gov/childhoodarrivals.

FAQ Topics about Requesting Consideration of Deferred Action for Childhood Arrivals

- FAQs about Eligibility and Filing a Request for Deferred Action
- FAQs about Requesting a Renewal of Deferred Action
- FAQs about Evidence and Supporting Documentation
- FAQs about Brief Departures, Advance Parole, and Background Checks
- FAQs about Form I-765, Application for Employment Authorization
- Other FAQs
- FAQs about the Unauthorized Practice of Immigration Law (UPIL)
- Cases in Other Immigration Processes (ICE or CBP)

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FAQs about Eligibility and Filing a Request for Deferred Action

- What guidelines must I meet to be considered for deferred action for childhood arrivals?
- How old must I be in order to be considered for deferred action under this process?
- Does this process apply to me if I am currently in removal proceedings, have a final removal order, or have a voluntary departure order?
- Does "currently in school" refer to the date on which the request for consideration of deferred action is filed?
- Who is considered to be "currently in school" under the guidelines?
- If I am enrolled in a literacy or career training program, can I meet the guidelines?
- If I am enrolled in an English as a Second Language (ESL) program, can I meet the guidelines?
- Can I be considered for deferred action even if I do not meet the guidelines to be considered for deferred action for childhood arrivals?
- How do I request consideration of deferred action for childhood arrivals?
- Will the information I share in my request for consideration of deferred action for childhood arrivals be used for immigration enforcement purposes?
- Can I request consideration of deferred action for childhood arrivals under this process if I am currently in a nonimmigrant status (e.g. F-1, E-2, H-4) or have Temporary Protected Status (TPS)?
- If I have a conviction for a felony offense, a significant misdemeanor offense, or multiple misdemeanors, can I receive an exercise of prosecutorial discretion under this new process?
- Can I request consideration for deferred action under this process if I live in the Commonwealth of the Northern Mariana Islands (CNMI)?

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FAQs about Requesting a Renewal of Deferred Action

- Can I renew my period of deferred action and employment authorization under DACA?
- Who can renew?
- When should I file my renewal request with USCIS?
- Can I file a renewal request outside the recommended filing period of 150 days to 120 days before my current DACA expires?
- Do I need to provide additional documents when I request renewal of deferred action under DACA?
- Do I accrue unlawful presence if I am seeking renewal and my previous period of DACA expires before I receive a renewal of deferred action under DACA? Similarly, what would happen to my work authorization?
- If I am no longer in school, can I still request to renew my DACA?
- If I initially received DACA and was under the age of 31 on June 15, 2012, but have since become 31 or older, can I still request a DACA renewal?

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FAQs about Evidence and Supporting Documentation

- What documentation may be sufficient to prove identity?
- What documentation may be sufficient to demonstrate that I came to the United States before the age of 16?
- What documentation may be sufficient to demonstrate that my immigration status had expired as of June 15, 2012?
- What documentation may be sufficient to demonstrate that I was physically present in the United States as of June 15, 2012?
- How do I establish that I am currently in school?
- What documentation may be sufficient to demonstrate that I have graduated from high school?
- What documentation may be sufficient to demonstrate that I have obtained a General Education Development (GED) certificate or certificate from passing another such state authorized exam (e.g., HiSet or TASC)?
- What documentation may be sufficient to demonstrate that I am currently in school, have graduated from high school, or have obtained a GED certificate or certificate from passing another such state authorized exam (e.g., HiSet or TASC)?
- What documentation may be sufficient to demonstrate that I am an honorably discharged veteran of the Coast Guard or Armed Forces of the United States?
- What documentation may be sufficient to demonstrate that I have resided in the United States for at least 5 years preceding June 15, 2012?
- To prove continuous residence in the United States since June 15, 2007, must I provide evidence documenting my presence for every day, or every month, of that period?
- May I file affidavits as proof that I meet the guidelines for consideration of deferred action for childhood arrivals?
- Will USCIS consider circumstantial evidence that I have met certain initial guidelines?
- Will USCIS consider circumstantial evidence that I have met the education guidelines?

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FAQs about Brief Departures, Advance Parole (travel), and Background Checks

- Do brief departures from the United States interrupt the continuous residence requirement?
- May I travel outside of the United States before I submit an initial request for deferred action (DACA) or while my initial DACA request is pending with USCIS?
- Will I be able to travel outside of the United States if my case is deferred pursuant to the consideration of deferred action for childhood arrivals process?
- May I file a request for advance parole concurrently with my DACA package?
- Will USCIS conduct a background check when reviewing my request for consideration of deferred action for childhood arrivals?
- What do background checks involve?

FAQs about Form I-765, Application for Employment Authorization

- Am I eligible for employment authorization if my removal is deferred pursuant to the consideration of deferred action for childhood arrivals process?
- Can I obtain a fee waiver or fee exemption for this process?
- How should I answer Question 9 on Form I-765?

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Other FAQs

- Can I appeal USCIS' determination?
- If USCIS does not exercise deferred action in my case, will I be placed in removal proceedings?
- Does deferred action provide me with a path to permanent residence status or citizenship?
- Do I accrue unlawful presence if I have a pending request for consideration of deferred action for childhood arrivals?
- If my case is deferred, am I in lawful status for the period of deferral?
- Must attorneys and accredited representatives who provide pro bono services to deferred action requestors at group assistance events file a Form G-28 with USCIS?
- When must an individual sign a Form I-821D as a preparer?
- Will USCIS verify documents or statements that I provide in support of a request for DACA?
- Am I required to register with the Selective Service?

FAQs about the Unauthorized Practice of Immigration Law (UPIL)

- What is the Unauthorized Practice of Immigration Law (UPIL)?
- How is UPIL relevant to deferred action for childhood arrivals?
- How can I avoid becoming a victim of fraud, scams, and UPIL?
- Someone told me if I pay them a fee, they can expedite my deferred action for childhood arrivals request, is this true?
- What steps will USCIS and ICE take if I engage in fraud through the new process?

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Cases in Other Immigration Processes (ICE or CBP)

- Will I be considered to be in unlawful status if I had an application for asylum or cancellation of removal pending before either USCIS or the Executive Office for Immigration Review (EOIR) on June 15, 2012?
- Can I request consideration of deferred action for childhood arrivals from USCIS if I am in immigration detention under the custody of ICE?
- If I am about to be removed by ICE and believe that I meet the guidelines for consideration of deferred action for childhood arrivals, what steps should I take to seek review of my case before removal?
- If individuals meet the guidelines for consideration of deferred action for childhood arrivals and are encountered by Customs and Border Protection (CBP) or ICE, will they be placed into removal proceedings?
- If I accepted an offer of administrative closure under the case-by-case review process or my case was terminated as part of the case-by-case review process, can I be considered for deferred action under this process?
- If I declined an offer of administrative closure under the case-by-case review process, can I be considered for deferred action under this process?
- If my case was reviewed as part of the case-by-case review process but I was not offered administrative closure, can I be considered for deferred action under this process?
- How will ICE and USCIS handle cases involving individuals who do not satisfy the guidelines of this process but believe they may warrant an exercise of prosecutorial discretion under the June 2011 Prosecutorial Discretion Memoranda?
- What should I do if I meet the guidelines of this process and have been issued an ICE detainer following an arrest by a state or local law enforcement officer?
- If my case is referred to ICE for immigration enforcement purposes or if I receive an NTA, will information related to my family members and guardians also be referred to ICE for immigration enforcement purposes?
- I was admitted for "duration of status" or for a period of time that extended past June 14, 2012, but violated my immigration status (e.g., by engaging in unauthorized employment, failing to report to my employer, or failing to pursue a full course of study) before June 15, 2012. May I be considered for deferred action under this process?
- I was admitted for "duration of status" or for a period of time that extended past June 14, 2012 but "aged out" of my dependent nonimmigrant status as of June 15, 2012. May I be considered for deferred action under this process?
- I was admitted for "duration of status" but my status in SEVIS is listed as terminated on or before June 15, 2012. May I be considered for deferred action under this process?
- I am a Canadian citizen who was inspected by CBP but was not issued an I-94 at the time of admission. May I be considered for deferred action under this process?
- I used my Border Crossing Card (BCC) to obtain admission to the United States and was not issued an I-94 at the time of admission. May I be considered for deferred action under this process?

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What guidelines must I meet to be considered for deferred action for childhood arrivals?

Pursuant to the Secretary's June 15, 2012 memorandum, in order to be considered for deferred action for childhood arrivals, you must submit evidence, including support documents, showing that you:

1. Were under the age of 31 as of June 15, 2012;
2. Came to the United States before reaching your 16th birthday;
3. Have continuously resided in the United States since June 15, 2007, up to the present time;
4. Were physically present in the United States on June 15, 2012, and at the time of making your request for consideration of deferred action with USCIS;
5. Entered without inspection before June 15, 2012, or your lawful immigration status expired as of June 15, 2012;
6. Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
7. Have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

These guidelines must be met for consideration of deferred action for childhood arrivals. USCIS retains the ultimate discretion on whether deferred action is appropriate in any given case even if the guidelines are met.

Note to Representative: If the customer requests clarification of convictions, felonies, misdemeanors and/or threat to national security /public safety, please read the following to the customer: It may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Board of Immigration Appeals. Additionally, please visit our Web page at www.uscis.gov/childhoodarrivals.

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How old must I be in order to be considered for deferred action under this process?

- If you have never been in removal proceedings, or your proceedings have been terminated before your request for consideration of deferred action for childhood arrivals, you must be at least 15 years of age or older at the time of filing your request and meet the other guidelines.
- If you are in removal proceedings, have a final removal order, or have a voluntary departure order, and are not in immigration detention, you can request consideration of deferred action for childhood arrivals even if you are under the age of 15 at the time of filing your request and meet the other guidelines.

Note to Representative: If the customer asks what the other guidelines are, the response can be found in the "What guidelines must I meet to be considered for deferred action" FAQ.

Does this process apply to me if I am currently in removal proceedings, have a final removal order, or have a voluntary departure order?

This process is open to any individual who can demonstrate he or she meets the guidelines for consideration, including those who have never been in removal proceedings as well as those in removal proceedings, with a final order, or with a voluntary departure order (as long as they are not in immigration detention).

Does "currently in school" refer to the date on which the request for consideration of deferred action is filed?

To be considered "currently in school" under the guidelines, you must be enrolled in school on the date you submit a request for consideration of deferred action under this process.

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Who is considered to be "currently in school" under the guidelines?

To be considered "currently in school" under the guidelines, you must be enrolled in:

- a public, private, or charter elementary school, junior high or middle school, high school, secondary school, alternative program, or homeschool program that meets state requirements;
- an education, literacy, or career training program (including vocational training) that has a purpose of improving literacy, mathematics, or English or is designed to lead to placement in postsecondary education, job training, or employment and where you are working toward such placement; or
- an education program assisting students either in obtaining a regular high school diploma or its recognized equivalent under state law (including a certificate of completion, certificate of attendance, or alternate award), or in passing a GED exam or other state-authorized exam (e.g., HiSet or TASC) in the United States.

Such education, literacy, career training programs (including vocational training), or education programs assisting students in obtaining a regular high school diploma or its recognized equivalent under state law, or in passing a GED exam or other state-authorized exam in the United States, include, but are not limited to, programs funded, in whole or in part, by federal, state, county or municipal grants or administered by non-profit organizations. Programs funded by other sources may qualify if they are programs of demonstrated effectiveness.

In assessing whether such programs not funded in whole or in part by federal, state, county or municipal grants or administered by non-profit organizations are of demonstrated effectiveness, USCIS will consider the duration of the program's existence; the program's track record in assisting students in obtaining a regular high school diploma or its recognized equivalent, in passing a GED or other state-authorized exam (e.g., HiSet or TASC), or in placing students in postsecondary education, job training, or employment; and other indicators of the program's overall quality. For individuals seeking to demonstrate that they are "currently in school" through enrollment in such a program, the burden is on the requestor to show the program's demonstrated effectiveness.

If I am enrolled in a literacy or career training program, can I meet the guidelines?

Yes, in certain circumstances. You may meet the guidelines if you are enrolled in an education, literacy, or career training program that has a purpose of improving literacy, mathematics, or English or is designed to lead to placement in postsecondary education, job training, or employment and where you are working toward such placement. Such programs include, but are not limited to, programs funded, in whole or in part, by federal, state, county or municipal grants or administered by non-profit organizations, or if funded by other sources, are programs of demonstrated effectiveness.

If I am enrolled in an English as a Second Language (ESL) program, can I meet the guidelines?

Yes, in certain circumstances. Enrollment in an ESL program may be used to meet the guidelines if the ESL program is funded in whole or in part by federal, state, county or municipal grants, or administered by non-profit organizations, or if funded by other sources is a program of demonstrated effectiveness.

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Can I be considered for deferred action even if I do not meet the guidelines to be considered for deferred action for childhood arrivals?

This process is only for individuals who meet the specific guidelines for DACA. Other individuals may, on a case-by-case basis, request deferred action from U.S. Citizenship and Immigration Services (USCIS) or U.S. Immigration and Customs Enforcement (ICE) in certain circumstances, consistent with longstanding practice.

How do I request consideration of deferred action for childhood arrivals?

To request consideration of DACA (either as an initial request or to request a renewal), you must submit Form I-821D, Consideration of Deferred Action for Childhood Arrivals to USCIS. Please visit www.uscis.gov/i-821d before you begin the process to make sure you are using the most current version of the form available. This form must be completed, properly signed and accompanied by a Form I-765, Application for Employment Authorization, and a Form I-765WS, Worksheet, establishing your economic need for employment. If you fail to submit a completed Form I-765 (along with the accompanying filing fees for that form, totaling $465), USCIS will not consider your request for deferred action. Please read the form instructions to ensure that you answer the appropriate questions (determined by whether you are submitting an initial or renewal request) and that you submit all the required documentation to support your initial request.

You must file your request for consideration of DACA at the USCIS Lockbox. You can find the mailing address and instructions at www.uscis.gov/i-821d. As of June 5, 2014, requestors must use the new version of the form. After your Form I-821D, Form I-765, and Form I-765 Worksheet have been received, USCIS will review them for completeness, including submission of the required fee, initial evidence and supporting documents (for initial filings).

If it is determined that the request is complete, USCIS will send you a receipt notice. USCIS will then send you an appointment notice to visit an Application Support Center (ASC) for biometric services, if an appointment is required. Please make sure you read and follow the directions in the notice. Failure to attend your biometrics appointment may delay processing of your request for consideration of deferred action, or may result in a denial of your request. You may also choose to receive an email and/or text message notifying you that your form has been accepted by completing a Form G-1145, E-Notification of Application/Petition Acceptance.

Each request for consideration of DACA will be reviewed on an individual, case-by-case basis. USCIS may request more information or evidence from you, or request that you appear at a USCIS office. USCIS will notify you of its determination in writing.

Note: All individuals who believe they meet the guidelines, including those in removal proceedings, with a final removal order, or with a voluntary departure order (and not in immigration detention), may affirmatively request consideration of DACA from USCIS through this process. Individuals who are currently in immigration detention and believe they meet the guidelines may not request consideration of deferred action from USCIS but may identify themselves to their deportation officer or Jail Liaison. You may also contact the ICE Field Office Director. For more information visit ICE's website at www.ice.gov/daca.

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Will the information I share in my request for consideration of deferred action for childhood arrivals be used for immigration enforcement purposes?

Information provided in this request is protected from disclosure to ICE and CBP for the purpose of immigration enforcement proceedings unless the requestor meets the criteria for the issuance of a Notice To Appear or a referral to ICE under the criteria set forth in USCIS' Notice to Appear guidance (www.uscis.gov/NTA). Individuals whose cases are deferred pursuant to DACA will not be referred to ICE. The information may be shared with national security and law enforcement agencies, including ICE and CBP, for purposes other than removal, including for assistance in the consideration of DACA, to identify or prevent fraudulent claims, for national security purposes, or for the investigation or prosecution of a criminal offense. The above information sharing policy covers family members and guardians, in addition to the requestor. This policy, which may be modified, superseded, or rescinded at any time without notice, is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable by law by any party in any administrative, civil, or criminal matter.

Can I request consideration of deferred action for childhood arrivals under this process if I am currently in a nonimmigrant status (e.g. F-1, E-2, H-4) or have Temporary Protected Status (TPS)?

No. You can only request consideration of deferred action for childhood arrivals under this process if you currently have no immigration status and were not in any lawful status on June 15, 2012.

If I have a conviction for a felony offense, a significant misdemeanor offense, or multiple misdemeanors, can I receive an exercise of prosecutorial discretion under this new process?

No. If you have been convicted of a felony offense, a significant misdemeanor offense, or three or more other misdemeanor offenses not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct, you will not be considered for Deferred Action for Childhood Arrivals (DACA) except where the Department of Homeland Security (DHS) determines there are exceptional circumstances.

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Can I request consideration for deferred action under this process if I live in the Commonwealth of the Northern Mariana Islands (CNMI)?

Yes, in certain circumstances. The CNMI is part of the United States for immigration purposes and is not excluded from this process. However, because of the specific guidelines for consideration of DACA, individuals who have been residents of the CNMI are in most cases unlikely to qualify for the program. You must, among other things, have come to the United States before your 16th birthday and have resided continuously in the United States since June 15, 2007.

Under the Consolidated Natural Resources Act of 2008, the CNMI became part of the United States for purposes of immigration law only on Nov. 28, 2009. Therefore entry into, or residence in, the CNMI before that date is not entry into, or residence in, the United States for purposes of the DACA process.

USCIS has used parole authority in a variety of situations in the CNMI to address particular humanitarian needs on a case-by-case basis since Nov. 28, 2009. If you live in the CNMI and believe that you meet the guidelines for consideration of deferred action under this process, except that your entry and/or residence to the CNMI took place entirely or in part before Nov. 28, 2009, USCIS is willing to consider your situation on a case-by-case basis for a grant of parole. If this situation applies to you, you should make an appointment through INFOPASS with the USCIS ASC in Saipan to discuss your case with an immigration officer.

Can I renew my period of deferred action and employment authorization under DACA?

Yes. You may request consideration for a renewal of your DACA. Your request for a renewal will be considered on a case-by-case basis. If USCIS renews its exercise of discretion under DACA for your case, you will receive deferred action for another two years, and if you demonstrate an economic necessity for employment you may receive employment authorization throughout that period.

Who can renew?

You may be considered for renewal of DACA if you met the guidelines for consideration of Initial DACA AND you:

1. Did not depart the United States on or after Aug. 15, 2012, without advance parole;
2. Have continuously resided in the United States since you submitted your most recent request for DACA that was approved up to the present time; and
3. Have not been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and do not otherwise pose a threat to national security or public safety.

These guidelines must be met for consideration of DACA renewal. USCIS retains the ultimate discretion to determine whether deferred action is appropriate in any given case even if the guidelines are met.

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When should I file my renewal request with USCIS?

USCIS strongly encourages you to submit your Deferred Action for Childhood Arrivals (DACA) renewal request between 150 days and 120 days before the expiration date located on your current Form I-797 DACA approval notice and Employment Authorization Document (EAD). Filing during this window will minimize the possibility that your current period of DACA will expire before you receive a decision on your renewal request.

USCIS' current goal is to process DACA renewal requests within 120 days. You may submit an inquiry about the status of your renewal request after it has been pending more than 105 days. To submit an inquiry online, please visit egov.uscis.gov/e-request.

- **Please Note:** Factors that may affect the timely processing of your DACA renewal request include, but are not limited to:
  - Failure to appear at an Application Support Center (ASC) for a scheduled biometrics appointment to obtain fingerprints and photographs. No-shows or rescheduling appointments will require additional processing time.
  - Issues of national security, criminality or public safety discovered during the background check process that require further vetting.
  - Issues of travel abroad that need additional evidence/clarification.
  - Name/date of birth discrepancies that may require additional evidence/clarification.
  - The renewal submission was incomplete or contained evidence that suggests a requestor may not satisfy the DACA renewal guidelines and USCIS must send a request for additional evidence or explanation

Can I file a renewal request outside the recommended filing period of 150 days to 120 days before my current DACA expires?

USCIS strongly encourages you to file your renewal request within the recommended 150-120 day filing period to minimize the possibility that your current period of DACA will expire before you receive a decision on your renewal request. Requests received earlier than 150 days in advance will be accepted; however, this could result in an overlap between your current DACA and your renewal. This means your renewal period may extend for less than a full two years from the date that your current DACA period expires.

If you file after the recommended filing period (meaning less than 120 days before your current period of DACA expires), there is an increased possibility that your current period of DACA and employment authorization will expire before you receive a decision on your renewal request. If you file after your most recent DACA period expired, but within one year of its expiration, you may submit a request to renew your DACA. If you are filing beyond one year after your most recent period of DACA expired, you may still request DACA by submitting a new initial request.

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Do I need to provide additional documents when I request renewal of deferred action under DACA?

No, unless you have *new* documents pertaining to removal proceedings or criminal history that you have not already submitted to USCIS in a previously approved DACA request. USCIS, however, reserves the authority to request at its discretion additional documents, information or statements relating to a DACA renewal request determination.

CAUTION: If you knowingly and willfully provide materially false information on Form I-821D, you will be committing a federal felony punishable by a fine, or imprisonment up to five years, or both, under 18 U.S.C. Section 1001. In addition, individuals may be placed into removal proceedings, face severe penalties provided by law, and be subject to criminal prosecution.

Do I accrue unlawful presence if I am seeking renewal and my previous period of DACA expires before I receive a renewal of deferred action under DACA? Similarly, what would happen to my work authorization?

Yes, if your previous period of DACA expires before you receive a renewal of deferred action under DACA, you will accrue unlawful presence for any time between the periods of deferred action unless you are under 18 years of age at the time you submit your renewal request.

Similarly, if your previous period of DACA expires before you receive a renewal of deferred action under DACA, you will not be authorized to work in the United States regardless of your age at time of filing until and unless you receive a new employment authorization document from USCIS.

However, if you have filed your renewal request with USCIS approximately 120 days before your deferred action and EAD expire and USCIS is unexpectedly delayed in processing your renewal request, USCIS may provide deferred action and employment authorization for a short period of time.

If I am no longer in school, can I still request to renew my DACA?

Yes. Neither Form I-821D nor the instructions ask renewal requestors for information about continued school enrollment or graduation. The instructions for renewal requests specify that you may be considered for DACA renewal if you met the guidelines for consideration of initial DACA and

1. did not depart the United States on or after August 15, 2012, without advance parole;
2. have continuously resided in the United States, up to the present time, since you submitted your most recent request for DACA that was approved; and
3. have not been convicted of a felony, a significant misdemeanor or three or more misdemeanors, and are not a threat to national security or public safety.

If I initially received DACA and was under the age of 31 on June 15, 2012, but have since become 31 or older, can I still request a DACA renewal?

Yes. You may request consideration for a renewal of DACA as long as you were under the age of 31 as of June 15, 2012.

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What documentation may be sufficient to prove identity?

Documentation sufficient to prove identity may include:

- Passport;
- Birth certificate accompanied by photo identification;
- Any national identity document from your country of origin bearing your photo and/or fingerprint;
- Any U.S.-government immigration or other document bearing your name and photograph (e.g. Employment Authorization Documents (EADs), expired visas, driver's license, non-driver card, etc.);
- Any school-issued form of identification with photo;
- Military identification document with photo; or
- Any other document that you believe is relevant.

What documentation may be sufficient to demonstrate that I came to the United States before the age of 16?

Documentation sufficient to demonstrate that you came to the United States before the age of 16 may include:

- Passport with admission stamp
- Form I-94/I-95/I-94W
- School records from the U.S. schools you have attended
- Any Immigration and Naturalization Service or DHS document stating your date of entry (Form I-862, Notice to Appear)
- Travel records
- Hospital or medical records
- Rent receipts or utility bills
- Employment records (pay stubs, W-2 Forms, etc.)
- Official records from a religious entity confirming participation in a religious ceremony
- Copies of money order receipts for money sent in or out of the country
- Birth certificates of children born in the U.S.
- Dated bank transactions
- Automobile license receipts or registration
- Deeds, mortgages, rental agreement contracts
- Tax receipts, insurance policies

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What documentation may be sufficient to demonstrate that my immigration status had expired as of June 15, 2012?

Documentation sufficient to demonstrate that your immigration status had expired as of June 15, 2012 may include:

- I-94/I-95/I-94W Arrival/Departure Record showing the date your authorized stay expired;
- Final order of exclusion, deportation, or removal issued as of June 15, 2012, submit a copy of that order and related charging documents, if available;
- An INS or DHS charging document placing you into removal proceedings, if applicable; or
- Any other document that you believe is relevant to show that as of June 15, 2012, you were present in the U.S. after your lawful status expired.

What documentation may be sufficient to demonstrate that I was physically present in the United States as of June 15, 2012?

Documentation sufficient to demonstrate that you were present in the United States on June 15, 2012 may include:

- Rent receipts or utility bills
- Employment records (pay stubs, W-2 Forms, etc.)
- School records (letters, report cards, etc.)
- Military records (Form DD-214 or NGB Form 22)
- Official records from a religious entity confirming participation in a religious ceremony
- Copies of money order receipts for money sent in or out of the country
- Passport entries
- Birth certificates of children born in the U.S.
- Dated bank transactions
- Automobile license receipts or registration
- Deeds, mortgages, rental agreement contracts
- Tax receipts, insurance policies

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How do I establish that I am currently in school?

Documentation sufficient for you to demonstrate that you are currently in school may include, but is not limited to:

- evidence that you are enrolled in a public, private, or charter elementary school, junior high or middle school, high school or secondary school; alternative program, or homeschool program that meets state requirements; or
- evidence that you are enrolled in an education, literacy, or career training program (including vocational training) that:
  - has a purpose of improving literacy, mathematics, or English, or is designed to lead to placement in postsecondary education, job training, or employment and where you are working toward such placement; and
  - is funded, in whole or in part, by federal, state, county or municipal grants or is administered by non-profit organizations, or if funded by other sources, is a program of demonstrated effectiveness; or
- evidence that you are enrolled in an education program assisting students in obtaining a high school equivalency diploma or certificate recognized under state law (such as by passing a GED exam or other such state-authorized exam [for example, HiSet or TASC]), and that the program is funded in whole or in part by federal, state, county or municipal grants or is administered by non-profit organizations or if funded by other sources, is of demonstrated effectiveness.

Such evidence of enrollment may include: acceptance letters, school registration cards, letters from a school or program, transcripts, report cards, or progress reports which may show the name of the school or program, date of enrollment, and current educational or grade level, if relevant.

Note to Representative: If the customer requests clarification of evidence documents, school information and/or academic requirements, please read the following to the customer: It may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Board of Immigration Appeals. Additionally, please visit our Web page at www.uscis.gov/childhoodarrivals.

What documentation may be sufficient to demonstrate that I have graduated from high school?

Documentation sufficient for you to demonstrate that you have graduated from high school may include, but is not limited to, a high school diploma from a public or private high school or secondary school, a certificate of completion, a certificate of attendance, or an alternate award from a public or private high school or secondary school, or a recognized equivalent of a high school diploma under state law, or a GED certificate or certificate from passing another such state authorized exam (e.g., HiSet or TASC) in the United States.

Note to Representative: If the customer requests clarification of evidence documents, school information and/or academic requirements, please read the following to the customer: It may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Board of Immigration Appeals. Additionally, please visit our Web page at www.uscis.gov/childhoodarrivals.

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What documentation may be sufficient to demonstrate that I have obtained a General Education Development (GED) certificate or certificate from passing another such state authorized exam (e.g., HiSet or TASC)?

Documentation may include, but is not limited to, evidence that you have passed a GED exam, or other state-authorized exam (e.g., HiSet or TASC), and, as a result, have received the recognized equivalent of a regular high school diploma under state law.

Note to Representative: If the customer requests clarification of evidence documents, school information and/or academic requirements, please read the following to the customer: It may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Board of Immigration Appeals. Additionally, please visit our Web page at www.uscis.gov/childhoodarrivals.

What documentation may be sufficient to demonstrate that I am currently in school, have graduated from high school, or have obtained a general education development certificate (GED)?

Documentation sufficient to demonstrate that you are currently in school, have graduated from high school, or have obtained a GED certificate may include:

- School records (transcripts, report cards, etc.) from the school that you are currently attending in the United States showing the name(s) of the school(s) and periods of school attendance and the current educational or grade level
- U.S. high school diploma, certificate of completion, or other alternate award
- High school equivalency diploma or certificate recognized under state law
- Evidence that you passed a state-authorized exam, including the GED or other state-authorized exam (e.g., HiSet or TASC). in the United States

Note to Representative: If the customer requests clarification of evidence documents, school information and/or academic requirements, please read the following to the customer: It may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Board of Immigration Appeals. Additionally, please visit our Web page at www.uscis.gov/childhoodarrivals.

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What documentation may be sufficient to demonstrate that I am an honorably discharged veteran of the Coast Guard or Armed Forces of the United States?

Documentation sufficient to demonstrate that you are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States may include:

- Form DD-214, Certificate of Release or Discharge from Active Duty;
- NGB Form 22, National Guard Report of Separation and Record of Service;
- Military personnel records;
- Military health records; or

What documentation may be sufficient to demonstrate that I have resided in the United States for at least 5 years preceding June 15, 2012?

Documentation sufficient to demonstrate that you have resided in the United States for at least 5 years preceding June 15, 2012 may include:

- Rent receipts or utility bills
- Employment records (pay stubs, W-2 Forms, etc.)
- School records (letters, report cards, etc.)
- Military records (Form DD-214 or NGB Form 22)
- Official records from a religious entity confirming participation in a religious ceremony
- Copies of money order receipts for money sent in or out of the country
- Passport entries
- Birth certificates of children born in the U.S.
- Dated bank transactions
- Automobile license receipts or registration
- Deeds, mortgages, rental agreement contracts
- Tax receipts, insurance policies

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To prove continuous residence in the United States since June 15, 2007, must I provide evidence documenting my presence for every day, or every month, of that period?

To meet the continuous residence guideline, you must submit documentation that shows you have been living in the United States from June 15, 2007, up until the time of your request. You should provide documentation to account for as much of the period as reasonably possible, but there is no requirement that every day or month of that period be specifically accounted for through direct evidence.

It is helpful to USCIS if you can submit evidence of your residence during at least each year of the period. USCIS will review the documentation in its totality to determine whether it is more likely than not that you were continuously residing in the United States for the period since June 15, 2007. Gaps in the documentation as to certain periods may raise doubts as to your continued residence if, for example, the gaps are lengthy or the record otherwise indicates that you may have been outside the United States for a period of time that was not brief, casual or innocent.

If gaps in your documentation raise questions, USCIS may issue a Request for Evidence to allow you to submit additional documentation that supports your claimed continuous residence.

Affidavits may be submitted to explain a gap in the documentation demonstrating that you meet the continuous residence requirement. If you submit affidavits related to the continuous residence requirement, you must submit two or more affidavits, sworn to or affirmed by people other than yourself who have direct personal knowledge of the events and circumstances during the period as to which there is a gap in the documentation. Affidavits may only be used to explain gaps in your continuous residence; they cannot be used as evidence that you meet the entire continuous residence requirement.

Note to Representative: If the customer requests additional information or clarification on the guidelines for an affidavit and/or circumstantial evidence, please read the following to the customer: It may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Board of Immigration Appeals. Additionally, please visit our Web page at www.uscis.gov/childhoodarrivals.

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May I file affidavits as proof that I meet the guidelines for consideration of deferred action for childhood arrivals?

Affidavits generally will not be sufficient on their own to demonstrate that you meet the guidelines for USCIS to consider you for DACA. However, affidavits may be used to support meeting the following guidelines only if the documentary evidence available to you is insufficient or lacking:

- Demonstrating that you meet the continuous residence requirement; and
- Establishing that departures during the required period of continuous residence were brief, casual and innocent.

If you submit affidavits related to the above criteria, you must submit two or more affidavits, sworn to or affirmed by people other than yourself, who have direct personal knowledge of the events and circumstances. Should USCIS determine that the affidavits are insufficient to overcome the unavailability or the lack of documentary evidence with respect to either of these guidelines, it will issue a Request for Evidence, indicating that further evidence must be submitted to demonstrate that you meet these guidelines.

USCIS will not accept affidavits as proof of satisfying the following guidelines:

- You are currently in school, have graduated or obtained a certificate of completion or other alternate award from high school, have obtained a high school equivalency diploma or certificate (such as by passing the GED exam or other state-authorized exam [for example, HiSet or TASC]), or are an honorably discharged veteran from the Coast Guard or Armed Forces of the United States;
- You were physically present in the United States on June 15, 2012;
- You came to the United States before reaching your 16th birthday;
- You were under the age of 31 on June 15, 2012; and
- Your criminal history, if applicable.

If the only evidence you submit to demonstrate you meet any of the above guidelines is an affidavit, USCIS will issue a Request for Evidence, indicating that you have not demonstrated that you meet these guidelines and that you must do so in order to demonstrate that you meet that guideline.

Note to Representative: If the customer requests additional information or clarification on the guidelines for an affidavit and/or circumstantial evidence, please read the following to the customer: It may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Board of Immigration Appeals. Additionally, please visit our Web page at www.uscis.gov/childhoodarrivals.

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Will USCIS consider circumstantial evidence that I have met certain initial guidelines?

Circumstantial evidence may be used to establish the following guidelines and factual showings if available documentary evidence is insufficient or lacking and shows that:

- You were physically present in the United States on June 15, 2012;
- You came to the United States before reaching your 16th birthday;
- You satisfy the continuous residence requirement, as long as you present direct evidence of your continued residence in the United States for a portion of the required continuous residence period and the circumstantial evidence is used only to fill in gaps in the length of continuous residence demonstrated by the direct evidence; and
- Any travel outside the United States during the years of required continuous presence was brief, casual, and innocent.

However, USCIS will not accept circumstantial evidence as proof of any of the following guidelines to demonstrate that you:

- Were under the age of 31 on June 15, 2012; and
- Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development certificate, or is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States.

For example, if you do not have documentary proof of your presence in the United States on June 15, 2012, you may nevertheless be able to satisfy the guideline circumstantially by submitting credible documentary evidence that you were present in the United States shortly before and shortly after June 15, 2012, which under the facts presented may give rise to an inference of your presence on June 15, 2012 as well. However, circumstantial evidence will not be accepted to establish that you have graduated high school. You must submit direct documentary evidence to satisfy that you meet this guideline.

Note to Representative: If the customer requests additional information or clarification on the guidelines for an affidavit and/or circumstantial evidence, please read the following to the customer: It may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Board of Immigration Appeals. Additionally, please visit our Web page at www.uscis.gov/childhoodarrivals.

Will USCIS consider circumstantial evidence that I have met the education guidelines?

No. Circumstantial evidence will not be accepted to establish that you are currently in school, have graduated or obtained a certificate of completion from high school, or have obtained a GED or passed another state-authorized exam (e.g., HiSet or TASC). You must submit direct documentary evidence to satisfy that you meet the education guidelines.

Note to Representative: If the customer requests additional information or clarification on the guidelines for an affidavit and/or circumstantial evidence, please read the following to the customer: It may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Board of Immigration Appeals. Additionally, please visit our Web page at www.uscis.gov/childhoodarrivals.

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Do brief departures from the United States interrupt the continuous residence requirement?

A brief, casual and innocent absence from the United States will not interrupt your continuous residence. If you were absent from the United States, your absence will be considered brief, casual and innocent if it was on or after June 15, 2007, and before Aug. 15, 2012, and:

1. The absence was short and reasonably calculated to accomplish the purpose for the absence;
2. The absence was not because of an order of exclusion, deportation or removal;
3. The absence was not because of an order of voluntary departure, or an administrative grant of voluntary departure before you were placed in exclusion, deportation or removal proceedings; and
4. The purpose of the absence and/or your actions while outside the United States were not contrary to law.

Once USCIS has approved your request for DACA, you may file Form I-131, Application for Travel Document, Application for Travel Document, to request advance parole to travel outside of the United States.

CAUTION: If you travel outside the United States on or after Aug. 15, 2012, without first receiving advance parole, your departure automatically terminates your deferred action under DACA.

For additional information, please visit our Web page at www.uscis.gov/childhoodarrivals.

May I travel outside of the United States before I submit an initial request for deferred action for childhood arrivals (DACA) or while my initial DACA request is pending with USCIS?

Any unauthorized travel outside of the United States on or after Aug. 15, 2012, will interrupt your continuous residence and you will not be considered for deferred action under this process. Any travel outside of the United States that occurred on or after June 15, 2007, but before Aug. 15, 2012, will be assessed by U.S. Citizenship and Immigration Services (USCIS) to determine whether the travel qualifies as brief, casual and innocent.

CAUTION: You should be aware that if you have been ordered deported or removed, and you then leave the United States, your departure will likely result in your being considered deported or removed, with potentially serious future immigration consequences.

Note to Representative: If the customer requests additional information on travel, please read the following to the customer: It may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Board of Immigration Appeals. Additionally, please visit our Web page at www.uscis.gov/childhoodarrivals.

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Will I be able to travel outside of the United States if my case is deferred pursuant to the consideration of deferred action for childhood arrivals process?

Not automatically. If USCIS has decided to defer action in your case and you want to travel outside the United States, you must apply for advance parole by filing a Form I-131, Application for Travel Document and paying the applicable fee ($360). USCIS will determine whether your purpose for international travel is justifiable based on the circumstances you describe in your request. Generally, USCIS will only grant advance parole if your travel abroad will be in furtherance of:

- humanitarian purposes, including travel to obtain medical treatment, attending funeral services for a family member, or visiting an ailing relative;
- educational purposes, such as semester-abroad programs and academic research, or;
- employment purposes such as overseas assignments, interviews, conferences or, training, or meetings with clients overseas.

Travel for vacation is not a valid basis for advance parole.

You may not apply for advance parole unless and until USCIS defers action in your case under the consideration of DACA. You cannot apply for advance parole at the same time as you submit your request for consideration of DACA. All advance parole requests will be considered on a case-by-case basis.

If USCIS has deferred action in your case under the DACA process after you have been ordered deported or removed, you may still request advance parole if you meet the guidelines for advance parole described above.

CAUTION: However, for those individuals who have been ordered deported or removed, before you actually leave the United States, you should seek to reopen your case before the Executive Office for Immigration Review (EOIR) and obtain administrative closure or termination of your removal proceeding. Even after you have asked EOIR to reopen your case, you should not leave the United States until after EOIR has granted your request. If you depart after being ordered deported or removed, and your removal proceeding has not been reopened and administratively closed or terminated, your departure may result in your being considered deported or removed, with potentially serious future immigration consequences. If you have any questions about this process, you may contact U.S. Immigration and Customs Enforcement (ICE) through the local ICE Office of the Chief Counsel with jurisdiction over your case.

CAUTION: If you travel outside the United States on or after Aug. 15, 2012, without first receiving advance parole, your departure automatically terminates your deferred action under DACA.

Note to Representative: If the customer requests additional information on travel, please read the following to the customer: It may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Board of Immigration Appeals. Additionally, please visit our Web page at www.uscis.gov/childhoodarrivals.

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May I file a request for advance parole concurrently with my DACA package?

Concurrent filing of advance parole is not an option at this time. DHS is, however, reviewing its policy on concurrent filing of advance parole with a DACA request. In addition, DHS is also reviewing eligibility criteria for advance parole. If any changes to this policy are made, USCIS will update this FAQ and inform the public accordingly.

Will USCIS conduct a background check when reviewing my request for consideration of deferred action for childhood arrivals?

Yes. You must undergo biographic and biometric background checks before USCIS will consider your DACA request.

What do background checks involve?

Background checks involve checking biographic and biometric information provided by the individuals against a variety of databases maintained by DHS and other federal government agencies.

Am I eligible for employment authorization if my removal is deferred pursuant to the consideration of deferred action for childhood arrivals process?

Yes. Pursuant to existing regulations, if your case is deferred, you may obtain employment authorization from USCIS provided you can demonstrate an economic necessity for employment. For the consideration of deferred action for childhood arrivals process, the application for employment authorization must be filed together with the request for consideration of deferred action for childhood arrivals and will be reviewed after a determination is made on deferred action. Information about employment authorization requests is available on USCIS's website at www.uscis.gov/I-765.

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Can I obtain a fee waiver or fee exemption for this process?

There are no fee waivers available for employment authorization applications connected to the deferred action for childhood arrivals process. There are very limited fee exemptions available. Requests for fee exemptions must be filed and favorably adjudicated before an individual files his/her request for consideration of deferred action for childhood arrivals without a fee. For more information, including frequently asked questions, please visit our Web site at www.uscis.gov/childhoodarrivals.

Note to Representative: If the customer requests information on the guidelines or qualifications for a fee waiver or fee exemption, please read the following to the customer: It may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Board of Immigration Appeals. Additionally, please visit our Web page at www.uscis.gov/childhoodarrivals.

How should I answer question 9 on Form I-765?

When you are filing a Form I-765 as part of a DACA request, question 9 is asking you to list those Social Security numbers that were officially issued to you by the Social Security Administration.

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Can I appeal USCIS' determination?

No. You cannot file a motion to reopen or reconsider, and cannot appeal the decision if USCIS denies your request for consideration of deferred action for childhood arrivals.

You may request a review if you meet all of the process guidelines and you believe that you actually did meet all of the DACA guidelines and you believe that your request was denied due to one of the following errors:

- Denied the request based on abandonment, when you actually responded to an RFE or NOID within the prescribed time;
- Mailed the RFE or NOID to the wrong address although you had submitted a Form AR-11, Change of Address, or changed your address online at www.uscis.gov before USCIS issued the RFE or NOID;
- Denied the request on the grounds that you did not come to the United States prior to your 16th birthday, but the evidence submitted at the time of filing shows that you did arrive before reaching that age;
- Denied the request on the grounds that you were under age 15 at the time of filing but not in removal proceedings, while the evidence submitted at the time of filing show that you indeed were in removal proceedings when the request was filed;
- Denied the request on the grounds that you were 31 or older as of June 15, 2012, but the evidence submitted at the time of filing shows that you were not yet 31 years old as of that date;
- Denied the request on the grounds that you had lawful status on June 15, 2012, but the evidence submitted at the time of filing shows that you indeed were in an unlawful immigration status on that date;
- Denied the request on the grounds that you were not physically present in the United States on June 15, 2012, and up through the date of filing, but the evidence submitted at the time of filing shows that you were, in fact, present;
- Denied the request due to your failure to appear at a USCIS ASC to have your biometrics collected, when you in fact either did appear at a USCIS ASC to have this done or requested prior to the scheduled date of your biometrics appointment to have the appointment rescheduled; or
- Denied the request because you did not pay the filing fees for Form I-765, Application for Employment Authorization, when you actually did pay these fees.

Note to Representative: If the customer believes that their case was denied due to one of the above errors, please go to Volume 1 and follow the instructions for creating an administrative error service request.

If USCIS does not exercise deferred action in my case, will I be placed in removal proceedings?

If you have submitted a request for consideration of DACA and USCIS decides not to defer action in your case, USCIS will apply its policy guidance governing the referral of cases to ICE and the issuance of Notices to Appear (NTA). If your case does not involve a criminal offense, fraud, or a threat to national security or public safety, your case will not be referred to ICE for purposes of removal proceedings except where DHS determines there are exceptional circumstances. For more detailed information on the applicable NTA policy visit www.uscis.gov/NTA. If after a review of the totality of circumstances USCIS determines to defer action in your case, USCIS will likewise exercise its discretion and will not issue you an NTA.

Note to Representative: If the customer requests additional information, please read the following to the customer: It may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Board of Immigration Appeals. Additionally, please visit our Web page at www.uscis.gov/childhoodarrivals.

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Does deferred action provide me with a path to permanent residence status or citizenship?

No. Deferred action is a form of prosecutorial discretion that does not confer lawful permanent resident status or a path to citizenship. Only the Congress, acting through its legislative authority, can confer these rights.

Do I accrue unlawful presence if I have a pending request for consideration of deferred action for childhood arrivals?

You will continue to accrue unlawful presence while the request for consideration of DACA is pending unless you are under 18 years of age at the time of the request. If you are under 18 years of age at the time you submit your request, you will not accrue unlawful presence while the request is pending, even if you turn 18 while your request is pending with USCIS. If action on your case is deferred, you will not accrue unlawful presence during the period of deferred action. However, having action deferred on your case will not excuse previously accrued unlawful presence.

Note to Representative: If the customer requests additional information or clarification on unlawful presence, please read the following to the customer: It may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Board of Immigration Appeals. Additionally, please visit our Web page at www.uscis.gov/childhoodarrivals.

If my case is deferred, am I in lawful status for the period of deferral?

No. Although action on your case has been deferred and you do not accrue unlawful presence during the period of deferred action, deferred action does not confer any lawful status.

The fact that you are not accruing unlawful presence does not change whether you are in lawful status while you remain in the United States. However, although deferred action does not confer a lawful immigration status, your period of stay is authorized by the Department of Homeland Security while your deferred action is in effect and, for admissibility purposes, you are considered to be lawfully present in the United States during that time. Individuals granted deferred action are not precluded by federal law from establishing domicile in the U.S.

Note to Representative: If the customer requests additional information or clarification on lawful status, please read the following to the customer: It may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Board of Immigration Appeals. Additionally, please visit our Web page at www.uscis.gov/childhoodarrivals.

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Must attorneys and accredited representatives who provide pro bono services to deferred action requestors at group assistance events file a Form G-28 with USCIS?

Under 8 C.F.R. §§ 292.3 and 1003.102, practitioners are required to file a Notice of Entry of Appearance as Attorney or Accredited Representative when they engage in practice in immigration matters before DHS, either in person or through the preparation or filing of any brief, application, petition, or other document. Under these rules, a practitioner who consistently violates the requirement to file a Form G-28 may be subject to disciplinary sanctions; however on Feb. 28, 2011, USCIS issued a statement indicating that it does not intend to initiate disciplinary proceedings against practitioners (attorneys and accredited representatives) based solely on the failure to submit a Notice of Entry of Appearance as Attorney or Accredited Representative (Form G-28) in relation to pro bono services provided at group assistance events. DHS is in the process of issuing a final rule at which time this matter will be reevaluated.

When must an individual sign a Form I-821D as a preparer?

Anytime someone other than the requestor prepares or helps fill out the Form I-821D, that individual must complete Part 5 of the form.

Will USCIS verify documents or statements that I provide in support of a request for DACA?

USCIS has the authority to verify documents, facts, and statements that are provided in support of requests for DACA. USCIS may contact education institutions, other government agencies, employers, or other entities in order to verify information.

Am I required to register with the Selective Service?

Most male persons residing in the U.S., who are ages 18 through 25, are required to register with Selective Service. Please visit www.sss.gov for more information.

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What is the Unauthorized Practice of Immigration Law (UPIL)?

The unauthorized practice of immigration law occurs when those who are not attorneys or accredited representatives:

- Provide legal assistance to applicants or petitioners in immigration matters;
- Charge more than a nominal fee; or
- Hold themselves out to be qualified in legal matters.

The unauthorized practice of immigration law endangers the integrity of our immigration system and victimizes members of the immigrant community. In June 2011 in collaboration with our Federal Partners, U.S. Citizenship and Immigration Services (USCIS) launched an initiative to combat this exploitative practice by:

- Promoting public understanding of the best ways to find bona fide legal advice and avoid scams;
- Building capacity for legitimate assistance and services; and
- Supporting enforcement action against those who engage in the unauthorized practice of immigration law.

How is UPIL relevant to deferred action for childhood arrivals?

USCIS recognizes that the young immigrant population affected is at a heightened degree of vulnerability to misinformation and misrepresentations while seeking guidance with the deferred action request process. USCIS is currently engaging, and will continue to engage, with stakeholders to emphasize our ongoing commitment to combating fraud, scams, abuse, and unauthorized practice of immigration law as it pertains to deferred action.

How can I avoid becoming a victim of fraud, scams, and UPIL?

Make sure you seek information about deferred action from official sources and that you seek legal assistance and advice only from attorneys or authorized legal service providers.

Official sources of information about Deferred Action:

- www.dhs.gov
- www.uscis.gov
- www.ice.gov
- www.cbp.gov

Resources to help you find authorized legal advice:

- www.uscis.gov/avoidscams
- www.justice.gov/eoir/legalrepresentation.htm

Where to go get information on reporting immigration services fraud, scam or UPIL

- www.uscis.gov/avoidscams
- www.ftc.gov

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Someone told me if I pay them a fee, they can expedite my deferred action for childhood arrivals request, is this true?

No. There is no expedited processing for deferred action. Dishonest practitioners may promise to provide you with faster services if you pay them a fee. These people are trying to scam you and take your money. Visit our Avoid Scams page to learn how you can protect yourself from immigration scams.

Make sure you seek information about requests for consideration of DACA from official government sources such as USCIS or the DHS. If you are seeking legal advice, visit our Find Legal Services page to learn how to choose a licensed attorney or accredited representative.

What steps will USCIS and ICE take if I engage in fraud through the new process?

If you knowingly make a misrepresentation, or knowingly fail to disclose facts, in an effort to obtain DACA or work authorization through this process, you will be treated as an immigration enforcement priority to the fullest extent permitted by law, and be subject to criminal prosecution and/or removal from the United States.

Will I be considered to be in unlawful status if I had an application for asylum or cancellation of removal pending before either USCIS or the Executive Office for Immigration Review (EOIR) on June 15, 2012?

Yes. If you had an application for asylum or cancellation of removal, or similar relief, pending before either USCIS or EOIR as of June 15, 2012, but had no lawful status, you may request consideration of deferred action for childhood arrivals.

Can I request consideration of deferred action for childhood arrivals from USCIS if I am in immigration detention under the custody of ICE?

No. If you are currently in immigration detention, you may not request consideration of DACA from USCIS. If you think you may meet the guidelines of this process, you should identify yourself to your deportation officer or Jail Liaison. You may also contact the ICE Field Office Director. For more information visit ICE's website at www.ice.gov/daca.

If I am about to be removed by ICE and believe that I meet the guidelines for consideration of deferred action for childhood arrivals, what steps should I take to seek review of your case before removal?

If you believe you can demonstrate that you meet the guidelines and are about to be removed, you should immediately contact the Law Enforcement Support Center's hotline at 1-855-448-6903 (staffed 24 hours a day, 7 days a week).

If individuals meet the guidelines for consideration of deferred action for childhood arrivals and are encountered by Customs and Border Protection (CBP) or ICE, will they be placed into removal proceedings?

DACA is intended, in part, to allow CBP and ICE to focus on priority cases. Under the direction of the Secretary of Homeland Security, if an individual meets the guidelines for DACA, CBP or ICE should exercise their discretion on a case-by-case basis to prevent qualifying individuals from being apprehended, placed into removal proceedings, or removed. If individuals believe that, in light of this policy, they should not have been apprehended or placed into removal proceedings, contact the Law Enforcement Support Center's hotline at 1-855-448-6903 (staffed 24 hours a day, 7 days a week).

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If I accepted an offer of administrative closure under the case-by-case review process or my case was terminated as part of the case-by-case review process, can I be considered for deferred action under this process?

Yes. If you can demonstrate that you meet the guidelines, you will be able to request consideration of DACA even if you have accepted an offer of administrative closure or termination under the case-by-case review process.

If I declined an offer of administrative closure under the case-by-case review process, can I be considered for deferred action under this process?

Yes. If you can demonstrate that you meet the guidelines, you will be able to request consideration of DACA even if you declined an offer of administrative closure under the case-by-case review process.

If my case was reviewed as part of the case-by-case review process but I was not offered administrative closure, can I be considered for deferred action under this process?

Yes. If you can demonstrate that you meet the guidelines, you will be able to request consideration of DACA even if you were not offered administrative closure following review of your case as part of the case-by-case review process.

How will ICE and USCIS handle cases involving individuals who do not satisfy the guidelines of this process but believe they may warrant an exercise of prosecutorial discretion under the June 2011 Prosecutorial Discretion Memoranda?

If USCIS determines that you do not satisfy the guidelines or otherwise determines you do not warrant an exercise of prosecutorial discretion, then it will decline to defer action in your case. If you are currently in removal proceedings, have a final order, or have a voluntary departure order, you may then request ICE consider whether to exercise prosecutorial discretion.

What should I do if I meet the guidelines of this process and have been issued an ICE detainer following an arrest by a state or local law enforcement officer?

If you meet the guidelines and have been served a detainer, you should immediately contact the Law Enforcement Support Center's hotline at 1-855-448-6903 (staffed 24 hours a day, 7 days a week).

If my case is referred to ICE for immigration enforcement purposes or if I receive an NTA, will information related to my family members and guardians also be referred to ICE for immigration enforcement purposes?

If your case is referred to ICE for purposes of immigration enforcement or you receive an NTA, information related to your family members or guardians that is contained in your request will not be referred to ICE for purposes of immigration enforcement against family members or guardians. However, that information may be shared with national security and law enforcement agencies, including ICE and CBP, for purposes other than removal, including for assistance in the consideration of DACA, to identify or prevent fraudulent claims, for national security purposes, or for the investigation or prosecution of a criminal offense.

This policy, which may be modified, superseded, or rescinded at any time without notice, is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

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I was admitted for "duration of status" or for a period of time that extended past June 14, 2012, but violated my immigration status (e.g., by engaging in unauthorized employment, failing to report to my employer, or failing to pursue a full course of study) before June 15, 2012. May I be considered for deferred action under this process?

No, unless the Executive Office for Immigration Review terminated your status by issuing a final order of removal against you before June 15, 2012.

I was admitted for "duration of status" or for a period of time that extended past June 14, 2012 but "aged out" of my dependent nonimmigrant status as of June 15, 2012. May I be considered for deferred action under this process?

Yes. For purposes of satisfying the "had no lawful status on June 15, 2012," guideline alone, if you were admitted for "duration of status" or for a period of time that extended past June 14, 2012 but "aged out" of your dependent nonimmigrant status, on or before June 15, 2012, (meaning you turned 21 years old on or before June 15, 2012), you may be considered for deferred action under this process.

I was admitted for "duration of status" but my status in SEVIS is listed as terminated on or before June 15, 2012. May I be considered for deferred action under this process?

Yes. For the purposes of satisfying the ""had no lawful status on June 15, 2012," guideline alone, if your status as of June 15, 2012, is listed as "terminated" in SEVIS, you may be considered for deferred action under this process.

I am a Canadian citizen who was inspected by CBP but was not issued an I-94 at the time of admission. May I be considered for deferred action under this process?

In general, a Canadian citizen who was admitted as a visitor for business or pleasure and not issued an I-94, Arrival/Departure Record, (also known as a "non-controlled" Canadian nonimmigrant) is lawfully admitted for a period of six months. For that reason, unless there is evidence, including verifiable evidence provided by the individual, that he or she was specifically advised that his or her admission would be for a different length of time, the Department of Homeland Security (DHS) will consider for DACA purposes only, that the alien was lawfully admitted for a period of six months. Therefore, if DHS is able to verify from its records that your last non-controlled entry occurred on or before Dec. 14, 2011, DHS will consider your nonimmigrant visitor status to have expired as of June 15, 2012 and you may be considered for deferred action under this process.

I used my Border Crossing Card (BCC) to obtain admission to the United States and was not issued an I-94 at the time of admission. May I be considered for deferred action under this process?

Because the limitations on entry for a BCC holder vary based on location of admission and travel, DHS will assume that the BCC holder who was not provided an I-94 was admitted for the longest period legally possible—30 days—unless the individual can demonstrate, through verifiable evidence, that he or she was specifically advised that his or her admission would be for a different length of time. Accordingly, if DHS is able to verify from its records that your last admission was using a BCC, you were not issued an I-94 at the time of admission, and it occurred on or before May 14, 2012, DHS will consider your nonimmigrant visitor status to have expired as of June 15, 2012, and you may be considered for deferred action under this process.

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Chapter 17 In-Country Refugee/Parole Program for Minors in El Salvador, Guatemala, and Honduras

OVERVIEW

The U.S. Department of State has launched the in-country refugee/parole program for certain minors in El Salvador, Guatemala, and Honduras. This program allows parents who are legally in the U.S. to request refugee resettlement for children still in one of these three countries. A parent lawfully present in the U.S. may be able to file Department of State Form DS-7699 requesting a refugee resettlement interview for unmarried children under 21 in El Salvador, Guatemala, or Honduras. Form DS-7699 is not available to the general public and cannot be filed without the assistance of a designated resettlement agency.

The in-country refugee/parole program for minors in El Salvador, Guatemala, and Honduras allows parents who are legally in the U.S. to request refugee resettlement for children still in one of these three countries. These parents may be able to file Department of State Form DS-7699 requesting a refugee resettlement interview for unmarried children under 21. Form DS-7699 is not available to the general public and cannot be filed without the assistance of a designated resettlement agency.

To submit Form DS-7699 you must contact a Department of State-funded resettlement agency to make an appointment. Resettlement agencies are located in more than 180 communities across the U.S. To find the nearest resettlement agency, please go to the website www.wrapsnet.org and search under the "CAM Program" tab under the heading "R&P Resettlement Affiliate Directory" for the document listing locations by state and city.

For more information about the program, please go to the website www.wrapsnet.org and select the "CAM Program" link.

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CSR Transfer Statement:

Due to a high volume of calls, we would be happy to take some information from you and refer your inquiry to a USCIS officer to research and respond.

Note to Representative:

- Go to SRMT and take a service request.
  - The Service Request Type will be based on the Transfer Reason
  - In the comments block, state the specific information that the customer is seeking and a brief reason why he or she needed the call escalated.
  - Ensure the caller is within the "acceptable caller type" before taking the service request.
  - Complete the service request and use the routing override capability to select **WKD** as the office for the service request to route to Tier 2.
  - Provide the customer with the referral ID number
  - Advise the customer that a USCIS officer will research their inquiry and contact them within 3 to 5 business days.

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In order to ensure customer privacy and security as well as data integrity, we may only take information regarding cases from the following individuals:

- The applicant/petitioner (The person who signed the application or petition in question)
- Authorized Officer or Employee of Petitioning Company or Organization
- A translator (Only if the applicant/petitioner is present)
- An attorney who claims to have a G-28 on file for the petitioner/applicant OR a paralegal from that attorney's office/firm (ask if the attorney has a G-28 on file).
- A Community-Based Organization (CBO) who is representing the applicant/petitioner and who has a G-28 on file (ask if the CBO has a G-28 on file).
- A parent of an applicant/petitioner who is under age 18.
- A legal guardian of an applicant or petitioner.
- An adult caregiver of the applicant or petitioner (Such as a nurse caring for an elderly or disabled person – if the applicant or petitioner is physically able to speak on the phone, his/her presence should at least be confirmed. If physically unable to speak on the phone , continue as if the caregiver were the applicant/petitioner)

Confirm that the caller meets at least one of the above listed requirements before taking a Service Request. If the caller is not within one of the acceptable caller types listed above, we will not be able to take a service request from the caller.

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Volume 4.5.1 Immigration Related Responsibilities When Hiring an Employee and Completing Form I-9

OVERVIEW

All U.S. employers are required to examine and verify the eligibility of each employee to be lawfully employed in the United States, regardless of the immigration status of the employee. This includes U.S. citizens, permanent residents of the United States, and temporary foreign workers as well as anyone to whom a job is offered. To verify an employee's status and to show that an employer has complied with the law Form I-9, Employment Eligibility Verification must be completed for every employee.

WHAT INFORMATION ARE YOU SEEKING? (PLEASE CHOOSE ONE BELOW)

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Chapter 1 Information about Form I-9

OVERVIEW

All employers must verify that each individual who is hired is eligible for employment in the United States, even if the individual is a United States citizen. Failure to do so can result in severe penalties against the employer. To verify that an individual is eligible for employment, the employer must complete a copy of Form I-9, "Employment Eligibility Verification," for each employee.

Please Note: USCIS has launched "I-9 Central", a new online resource. I-9 Central can be viewed at www.uscis.gov/I-9central

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Unit 1 Information about Form I-9 (Frequently Asked Questions)

What is Form I-9?

What version of Form I-9 should I use?

How do I obtain Form I-9?

Can I reproduce Form I-9?

Who needs to complete a Form I-9?

Who is responsible for completing the different sections of Form I-9?

Can Form I-9 be filled out before the job is offered?

When should Section 1 be completed?

When should Section 2 be completed?

When should Section 3 be completed?

Can I tell a potential employee which document(s) he or she must bring for verification?

How do I know if a document is genuine or false?

Can I confirm an employee's work authorization by contacting the government?

Can photocopies be accepted?

What if the person we hire only has temporary work authorization?

What if my employee was granted work authorization through TPS?

Who is required to do the re-verification of an employee's work authorization?

What is the portability provision for an H-1B visa holder?

If I have filed a petition for an extension of status for my employee, can I continue employing him or her?

How would an employer fulfill the Form I-9 verification requirement under the 240-day rule?

Does this new portability provision affect the way the company completes Form I-9?

Are there any exceptions to completing Form I-9?

What is remuneration?

How can I obtain the Form I-9 handbook?

Can I do something to help my employee get a Social Security card?

What is an EAD?

How long is the validity period of an EAD?

What is Form I-9?

Form I-9 is the Employment Eligibility Verification Form issued by USCIS. By law, all U.S. employers are responsible for completion and retention of Forms I-9 for all U.S. citizen as well as non-U.S. citizen employees hired for employment in the U.S. after November 6, 1986. This process includes an employee's attestation of work authorization and an employer's review of the documents presented by that employee to demonstrate identity and work authorization. The employee and employer both must provide information and signatures as indicated on the form.

What version of Form I-9 should I use?

Effective March 8, 2013, employers should begin using the revised Form I-9 with a revision date of 03/08/13. The revision date of the form is printed on the lower left corner of the form. Employers may continue to use previous versions of the form with revision dates of 02/02/09 and 08/07/09 until May 7, 2013. For more information, please visit our Form I-9 Central webpage at www.uscis.gov/I-9central.

How do I obtain Form I-9?

Form I-9 may be downloaded from the USCIS website at www.uscis.gov.

Can I reproduce Form I-9?

Employers are permitted to reproduce Form I-9, provided that the resulting copy, facsimile, or scanned form is legible, the content and sequence of the information and instructions match those on the official USCIS document and the paper is of retention quality. Copies of the Form I-9 may be reproduced in either double-sided or single-sided format.

Who needs to complete a Form I-9?

Every newly hired employee must complete Form I-9, including citizens and nationals of the United States.
Both the employer and the employee are responsible for completing Form I-9.

Note to Representative: All employers are required to examine all of their employees' work authorization statuses regardless of whether the employee is a U.S. citizen, permanent resident, or temporary foreign worker.

Who is responsible for completing the different sections of Form I-9?

The employee is obligated to complete Section 1, Employee Information and Verification, of Form I-9 at the time of hire.

The employer is obligated, after physically examining the documents presented by the employee, to complete Section 2, Employer Review and Verification, and Section 3, Updating and Re-verification (if applicable), of Form I-9.

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Can Form I-9 be filled out before the job is offered?

An individual should not complete a Form I-9 for an employer until after he or she has accepted the position.

Note to Representative: If a company has an individual complete Form I-9 but no job offer is extended, then the company could be faced with a claim of discrimination since Form I-9 asks about citizenship and alienage, and requires the production of documents that might indicate national origin.

When should Section 1 be completed?

Section one of Form I-9 must be completed and signed by every newly hired employee on or before the date of hire, regardless of his or her immigration status. The employee must attest that he or she is a U.S. citizen, lawful permanent resident, or is otherwise authorized to work for the employer in the United States. The employee must present the employer with documentation establishing identity and employment eligibility in accordance with the List of Acceptable Documents on Form I-9.

When should Section 2 be completed?

Section two of Form I-9 must be completed and signed by every employer within three business days of the hire. If the employment relationship will last less than three days, then section two must be completed at the time of hire. Section two must be completed and signed by every employer whether he or she employs thousands of employees or only one. The employer must ask each employee to provide documents that prove both his/her identity and his/her authorization to work. There are three lists on the back of the Form I-9 that sets forth acceptable documentation:

- List A (documentation establishing both identity and authorization to work)
- List B (documentation establishing only identity)
- List C (documentation establishing only authorization to work)

The employee may elect to provide one document from List A, or two documents, one from List B and one from List C. Only the employee can choose the acceptable document(s) to provide.

Note to Representative: Certain documents have been created and placed in the regulations as acceptable even though not indicated as such on Form I-9. Those Forms are:

- Form I-94 issued to Refugees – for the purpose of establishing initial employment eligibility; and
- Form I-94 issued to Asylees with "employment authorized" indicated on the reverse side - for the purpose of establishing employment eligibility only.

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When should Section 3 be completed?

Employers should complete Section 3 of Form I-9 when updating and re-verifying the employment authorization of an employee whose previous valid authorization has expired. Section 3 does not apply to employees who are U.S. citizens or permanent residents. Section 3 should only be completed when the employee indicates in Section 1 of Form I-9 that he or she is an alien authorized to work until a certain date. For example, when a USCIS-issued employment authorization document is scheduled to expire, the employer must re-verify that the employee has renewed his/her authorization to work and has a valid document from either List A or one from both List B and List C in his/her possession. The employee can chose which documents to provide.

Except for employees who are U.S. citizens or permanent residents, employers should re-verify the employment authorization of each employee who has presented evidence of work authorization that contains an expiration date. Employers **CANNOT** specify which document(s) they will accept from an employee. Only the employee can choose the acceptable document(s) to provide.

Note to Representative: Section three of Form I-9 should only be completed when choice three in Section one is selected. It should not be used if the person is a permanent resident or a U.S. citizen.

Can I tell a potential employee which document(s) he or she must bring for verification?

No, an employer cannot tell an employee which documents to present for I-9 purposes. Employers may, however, direct the employee to the list of acceptable documents shown on the back of Form I-9 as well as the special instructions regarding the most current list of acceptable documents contained on the USCIS website at www.USCIS.gov. If an employee presents documents not appearing on the list, an employer should ask for additional proof of identity and/or employment authorization.

An employer who requests specific documents, such as a driver's license and a Social Security card, may be charged with document abuse and fined accordingly.

Note to Representative: Citizens and non-citizens must be treated identically in completing Form I-9.

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How do I know if a document is genuine or false?

An employer is not required to know with absolute certainty whether a document is genuine or false. The law merely requires that an employer examine the original of the document (not a photocopy) and make a good faith determination that the document:

- Appears to relate to the employee;
- Appears to be genuine; and
- Is an acceptable document for Form I-9.

An employer must refrain from overzealous scrutiny of documents. The rejection of a questionable document that later proves to be genuine may result in a violation of the anti-discrimination provisions of the Immigration laws of the U.S. Also, an employer who singles out a particular nationality or ethnic group for a higher level of scrutiny may face sanctions under the law.

Can I confirm an employee's work authorization by contacting the government?

ONLY officially registered participants in the Department of Homeland Security's automated verification system can receive confirmation of work authorization of a newly hired employee by contacting the government. This program is called E-Verify. E-Verify is an online application to verify the employment eligibility of newly hired employees, regardless of citizenship. For more information about E-Verify, please visit our webpage at www.dhs.gov/e-verify.

Can photocopies be accepted?

No, photocopies of documents cannot be accepted for Form I-9 purposes. Employees must present original documents.

The only exception is that a newly hired employee may present a certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal. Beginning October 31, 2010, only certified copies of Puerto Rico birth certificates issued on or after July 1, 2010, are acceptable for Form I-9 purposes.

What if the person we hire only has temporary work authorization?

An employee that has been issued temporary work authorization must produce proof of continued work authorization before the date of expiration. Employers should try to remind the employee 90 days prior to the expiration of his or her current work authorization.

Except for employees who are U.S. citizens or permanent residents, employers should re-verify the employment authorization of each employee who has presented evidence of work authorization that contains an expiration date.

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What if my employee was granted work authorization through TPS?

Unfortunately, applications for an employment authorization document may not be processed in time. Therefore, employers with employees who have been granted work authorization via TPS must be careful to monitor expiration dates and stay up-to-date with employees' work authorization status as well as notices published by USCIS in the Federal Register or on the uscis.gov website. Failure to do so could result in sanctions from continued hiring of an employee who has lost work authorization or the inappropriate firing of an employee who continues to have work authorization.

Who is required to do the re-verification of an employee's work authorization?

All employers are responsible for re-verifying the employee's work authorization.

What is the portability provision for an H-1B visa holder?

The portability provisions allow a nonimmigrant alien, who was previously issued an H-1B visa or who was otherwise accorded H-1B status, to begin working for a new H-1B employer as soon as the new employer files an H-1B petition for the alien, rather than having to wait for USCIS approval.

If I have filed a petition for an extension of status for my employee, can I continue employing him or her?

Yes, after filing a non-frivolous petition for extension of status for your employee, you may continue to employ him or her for up to 240 days. This 240-day rule is limited to the following non-immigrant visa classifications: A-3, E, G-5, H, I, J-1, L-1, O-1, O-2, P-1, P-2, P-3, R, and TN.

How would an employer fulfill the Form I-9 verification requirement under the 240-day rule?

Regulations authorize employment with the same employer for up to 240 days after a non-frivolous petition for extension of status is filed. While the employment is authorized, there is no provision on the Form I-9 for the documentation of this fact. Therefore, employers may want to follow whatever documentation procedures they use for the 240-day grace period.

Does this new portability provision affect the way the company completes Form I-9?

Form I-9 contains no provision for this authorization. Therefore, employers should follow the documentation procedures they currently use for an extension of this type. As an example, the employer could attach a copy of the receipt notice for the filed H-1B petition along with a copy of the alien's I-94 to the Form I-9 kept on file or the employer could write "covered by the H-1B portability provision" on the Form I-9. An employee may obtain a copy of his/her Form I-94 at www.cbp.gov/I94.

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Are there any exceptions to completing Form I-9?

Yes. Independent contractors or those persons who were hired prior to November 6, 1986 are exempted from completing Form I-9.

What is remuneration?

Remuneration is anything of value given in exchange for labor or services rendered by an employee, including food and lodging.

How can I obtain the Form I-9 handbook?

Copies of the Form I-9 Handbook can be ordered by calling (800) 870-3676. The Form I-9 Handbook may be downloaded from the USCIS website at www.uscis.gov/files/form/m-274.pdf
The Form M-274, Employer Handbook, contains instructions for completing Form I-9, Employment Eligibility Verification.

- Please read the instructions carefully and note that many changes have occurred in the regulations since the publication of the handbook. Therefore, the handbook may not be all-inclusive or up-to-date. The handbook was last updated on January 5, 2011.

Can I do something to help my employee get a Social Security card?

An employer who wishes to assist an employee in getting a Social Security card may do so by obtaining the **Form SS-5, "Application for a Social Security Card."** The Form SS-5 includes the instructions for completing the application and documents needed.

The Form SS-5 can be obtained by:
- Downloading via the Internet at http://www.ssa.gov/; or
- Calling the Social Security Administration at 1-800-772-1213.

Note to Representative: The Social Security Administration has improved the security features of Social Security Cards. The new security features are reflected in the October 2007 version of the card. However, all prior versions of the Social Security Card are still valid and may continue to be used.

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What is an EAD?

Certain foreign nationals who are temporarily in the U.S. may file a Form I-765, *Application for Employment Authorization*, to request an Employment Authorization Document (EAD), which authorizes them to work legally in the U.S. during the time the EAD is valid.

How long is the validity period of an EAD?

Foreign nationals usually apply for an EAD when they apply for adjustment of status to that of permanent resident. Therefore, they usually file Form I-765, *Application for Employment Authorization*, together with Form I-485, *Application to Register Permanent Residence or Adjust Status*, with USCIS.

Initial EAD filings will generally receive an EAD that is valid for one year because they are usually submitted with Form I-485 that can only be filed when there is an immigrant visa number available to the foreign national. However, when their visa availability date retrogresses (i.e., when demand for visa numbers exceeds forecasted supply), and a visa number is no longer available, then the foreign national may receive an EAD that is valid for two years.

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Unit 2 Information about documents that are acceptable to establish both identity and employment eligibility

OVERVIEW

The following documents are acceptable evidence to establish both identity and employment eligibility as long as they relate to the individual who is presenting the document:

- A U.S. passport or U.S. Passport Card;
- Permanent Resident Card or Alien Registration Receipt Card (Form I-551);
- Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa; or
- Employment Authorization Document that contains a photograph (Form I-766);

In certain cases, USCIS may grant the individual an immigration status of E, H, L, O, P, or Q. For such an individual, an unexpired foreign passport is acceptable proof of identity and employment eligibility if the individual also has a Form I-94 or Form I-94A bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations indicated on the form.

Passports from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the U.S. and the FMI or RMI are also acceptable proof of identity and employment eligibility.

Which List A documents are acceptable?

What documentation can an F-1 OPT student, who has filed either an H-1B petition or a STEM OPT extension, show to satisfy Form I-9 requirements?

What if an employee does not have a document from List A?

Back to Form I-9 Immigration Related Responsibilities Main Menu

Which List A documents are acceptable?

The following documents are acceptable evidence for both identity and employment eligibility so long as they relate to the individual who is presenting the document:

- A U.S. passport or U.S. Passport Card;
- Permanent Resident Card or Alien Registration Receipt Card (Form I-551);
- Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa;
- Employment Authorization Document that contains a photograph (Form I-766);
- In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I-94 or Form I-94A bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form. An employee may obtain a copy of his/her Form I-94 at www.cbp.gov/I94.
- Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the U.S. and the FMI or RMI.

Note to Representative: Citizens of the Republic of Palau must possess a valid Employment Authorization Document (EAD) before working in the United States. (Although citizens of the FSM and RMI no longer need an Employment Authorization Document (EAD) to work in the United States, the Compact did not include Palau. Citizens of Palau are still required to obtain an EAD as evidence of their eligibility to work in the United States).

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What documentation can an F-1 OPT student, who has filed either an H-1B petition or a STEM OPT extension, show to satisfy Form I-9 requirements?

F-1 students who have filed a STEM OPT extension:
An F-1 student who has timely filed Form I-765 for a 17-month STEM extension of his/her post-completion OPT, and whose EAD (Form I-766) has expired, is authorized to continue working while the Form I-765 application is pending for a period not to exceed 180 days.
The following documents constitute the equivalent of an unexpired EAD under List A, # 4 of the Form I-9:

- The expired Form I-766 EAD; and
- The USCIS receipt notice (Form I-797, Notice of Action) showing a timely filing of the Form I-765 extension application; and
- Form I-20 updated to show that the DSO recommended the STEM extension for a work authorization period beginning on the date after the expiration of the EAD.

This combination of documents satisfies the Form I-9 document presentation requirements for 180 days (or less if the application is denied beforehand). If the 17-month STEM extension is approved, the student should receive a new Form I-766 EAD within the 180-day period.

F-1 OPT students who have filed an H-1B petition:
The Designated School Official (DSO) will issue a "cap-gap" Form I-20 which will show on page 3 that the student's employment authorization has been extended and the effective dates.

The following documents constitute the equivalent of an unexpired EAD under List A, # 4 of the Form I-9:

- The expired Form I-766 EAD; and
- A "cap-gap" Form I-20 endorsed to show that the student's employment authorization is still valid; and
- The USCIS receipt notice (Form I-797, Notice of Action) showing receipt of the H-1B petition.

This combination of documents satisfies the Form I-9 document presentation requirements until September 30th, or until the date of the denial of the H-1B petition. If the receipt notice has not yet been issued, the expired EAD and the "cap-gap" Form I-20 are sufficient. This combination of documents satisfies the Form I-9 until the expiration date noted on the "cap-gap" Form I-20, but not later than September 30th. If the student presents a "cap-gap" Form I-20 without a receipt notice, the employer must re-verify upon the expiration date noted on the Form I-20. The student may present another "cap-gap" Form I-20 indicating continued employment authorization to satisfy the re-verification requirement.

What if an employee does not have a document from List A?

Employers **CANNOT** specify which document(s) they will accept from an employee. If an employee does not present a document from List A, he or she must provide the employer with one document from List B and one from List C. Only the employee can choose the acceptable document(s) to provide.

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Unit 3 Information about documents that are acceptable to establish identity only

OVERVIEW

The Form I-9 lists the documents that are acceptable evidence to establish identity for individuals 18 years of age or older. If a prospective employee shows an employer a document indicated in List B on the Form I-9 instructions, then the individual must also show the employer a separate document from List C that establishes employment eligibility.

Which List B documents are acceptable?

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Which List B documents are acceptable?

Certain documents are only acceptable as evidence to establish identity for individuals 18 years of age or older. If a prospective employee shows an employer one of the following documents, the individual must also show the employer a separate document that establishes employment eligibility. Documents that are acceptable for establishing identity include:

- Driver's license or ID card issued by a State or outlying possession of the U.S. provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address;
- ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address;
- School ID card with a photograph;
- Voter's registration card;
- U.S. military card or draft record;
- Military dependent's ID card;
- U.S. Coast Guard Merchant Mariner Card;
- Native American tribal document; or
- Driver's license issued by a Canadian government authority.

For individuals under the age of 18 who are unable to present a document listed above:

- A school record or report card;
- A clinic, doctor, or hospital record; or
- A day-care or nursery school record.

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Unit 4 Information about documents that are acceptable to establish employment eligibility only

OVERVIEW

The Form I-9 lists the documents that are acceptable evidence to establish employment eligibility. If a prospective employee shows an employer a document indicated in List C on the Form I-9 instructions, then the individual must also show a separate document from List B that establishes identity.

Which List C documents are acceptable?

Is a receipt showing that the employee has filed for a new employment authorization document acceptable as evidence of continuing eligibility for employment?

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Which List C documents are acceptable?

Certain documents are only acceptable as evidence to establish employment eligibility. If a prospective employee shows an employer one of the following documents, the individual must also show a separate document that establishes identity. Documents that are acceptable for establishing employment eligibility are:

- Social Security Account Number card other than one that specifies on the face that the issuance of the card does not authorize employment in the U.S.;
- Certification of Birth Abroad issued by the Department of State (Form FS-545);
- Certification of Report of Birth issued by the Department of State (Form DS-1350);
- Original or certified copy of a birth certificate issued by a State, county, municipal authority, or territory of the U.S. bearing an official seal;
    - Beginning October 31, 2010, if an employee presents a Puerto Rico birth certificate for List C, the employer must look at the date the certified copy of the birth certificate was issued to ensure that it is still valid. As of October 1, 2010, only certified copies of Puerto Rico birth certificates issued on or after July 1, 2010 are acceptable for Form I-9 purposes.
- Native American tribal document;
- U.S. Citizen ID Card (Form I-197);
- Identification Card for Use of Resident Citizen in the U.S. (Form I-179); or
- Employment authorization document issued by the Department of Homeland Security.

To establish initial employment eligibility, a refugee may use Form I-94. Then, within 90 days of being hired, the refugee must present either: an unexpired Form I-766 or a Social Security card that does not display any employment restrictions. The refugee must also present a document which establishes the individual's identity. If an individual has been granted asylum, the individual must present a Form I-94 which indicates that the bearer has been granted asylum or "asylee" status. Even though it is not required by immigration law, an asylee should also present a Social Security card, which does not display any employment restrictions, within 90 days of being hired.

The Social Security Administration has improved the security features of Social Security Cards. The new security features are reflected in the October 2007 version of the card. However, all prior versions of the Social Security Card are still valid and may continue to be used.

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Is a receipt showing that the employee has filed for a new employment authorization document acceptable as evidence of continuing eligibility for employment?

The employee may in certain instances use receipts instead of original documents during the Form I-9 process. If an employee's document has been lost, stolen, or damaged, then the employee can present a receipt for the application for a replacement document. The replacement document needs to be presented to the employer within 90 days of hire, or, in the case of re-verification, the date the employment authorization expires. In these cases, the previous document must still have been otherwise valid (i.e., the employee would still have been within the validity period previously granted if not lost, stolen, etc.).

It is important to note that a receipt for an application for an initial or renewal (as opposed to a replacement) USCIS Employment Authorization Document (EAD) filed on a Form I-765, Application for Employment Authorization, is NOT an acceptable document for I-9 verification purposes.

Note to Representative: There are exceptions to this receipt rule.

- Under the H-1B portability provision, H-1B employees may begin working for the new employer once that employer has filed a new petition for the employee.
- Employees in the following nonimmigrant visa categories may continue to work for 240 days after the expiration of their current period of stay, as long as an extension of stay has been filed with USCIS: A-3, E-1, E-2, G-5, H-1, H-2A, H-2B, H-3, I, J-1, L-1, O-1, O-2, P-1, P-2, P-3, R, and TN.
- Sometimes TPS beneficiaries might not have sufficient time to apply for and receive their new EADs before the expiration of their current EADs. When DHS anticipates that this may be the case, DHS will automatically extend the validity of EADs issued under the TPS designation for an additional 6 months. As evidence of continuing eligibility for employment, TPS beneficiaries may show employers and government agencies the following documents: (1) a TPS-related EAD, and (2) a copy of the Federal Register notice showing that the EADs had been automatically extended for an additional 6 months. For more information on TPS visit Volume 4.4.3.4 – TPS.

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Unit 5 Information about how to properly retain completed copies of the Form I-9

OVERVIEW

After Form I-9 has been completed by the employer and the employee, USCIS suggests that the employer and the employee review it for completeness. The employer should store all I-9 Forms separately from other employee personnel records.

If the employee has a temporary work authorization, the employer should track its expiration date. The employer should periodically review all I-9 Forms to ensure that they comply with their expiration dates. Employers should store the I-9 Forms for terminated employees in a separate file.

An employer must retain Form I-9 for three years after the hire date or one year after the date of the employee's termination, whichever is later
A recruiter or a "referrer for a fee" must retain Form I-9 for three years after the date of hire.

What do I do with Form I-9 after it is completed?

How should Form I-9 be stored?

Can I store Form I-9 electronically?

How long should Form I-9 be retained?

If an employee is fired or employment is terminated, am I still required to keep Form I-9?

Can I make and keep copies of the documents used in Section 2 of Form I-9?

As an employer, do I need to re-verify a birth certificate presented by an existing employee born in Puerto Rico?

Would DHS ever audit employers for the completion and retention of Forms I-9?

What happens if Form I-9 is not completed when filed or if it is not retained?

What if I request additional documents to establish work authorization?

What do I need to do if I notice an error on a Form I-9 and I need to revise it?

What are the penalties for knowingly hiring aliens without proper work authorization or unauthorized aliens?

Are there any penalties for unlawful discrimination?

Back to Form I-9 Immigration Related Responsibilities Main Menu

What do I do with Form I-9 after it is completed?

The employer must retain Form I-9 for each employee either for three years after the date of hire or for one year after employment is terminated, whichever is later.

How should Form I-9 be stored?

While not required by law or regulation, it is suggested that the original Form I-9 should be filed in a separate file away from the employee's personnel file.

Can I store Form I-9 electronically?

Yes, you may sign and store Form I-9 electronically in addition to storing the form on paper, microfilm or microfiche. More information for the electronic signature and storage of Form I-9 can be found on the USCIS website, I-9 Central.

How long should Form I-9 be retained?

Form I-9 must be retained for a period of three years after the date of hire or one year after the date employment ends, whichever is later.

If an employee is fired or employment is terminated, am I still required to keep Form I-9?

Yes, you must retain Form I-9 for fired employees or for employees who terminate employment. These records must be kept for a period of three years after the date of hire or one year after the date employment ends, whichever is later. While not required by law or regulation, Form I-9 may be pulled out and placed in a separate file for fired employees as well as for those employees who have terminated employment.

Can I make and keep copies of the documents used in Section 2 of Form I-9?

Yes, you may keep copies of the Section 2 documents along with the Form I-9. However, if this is done, the policy should be applied to all employees. It is important that you be consistent in making photocopies for **all** employees, regardless of citizenship or nationality.

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As an employer, do I need to re-verify a birth certificate presented by an existing employee born in Puerto Rico?

No. Employers must not re-verify the employment eligibility of existing employees who presented a certified copy of a Puerto Rico birth certificate for Form I-9 purposes and whose employment eligibility was verified on Form I-9 **prior to October 31, 2010**.

Would DHS ever audit employers for the completion and retention of Forms I-9?

Yes, DHS may randomly conduct an audit of an employer's Forms I-9. Please bear in mind that failure to comply with a DHS audit is a violation of federal law and can result in significant and costly fines or even an imposition of criminal penalties.

Completed Forms I-9 are not filed with the federal government. Instead, they must be retained by the employer in its own files and made available for inspection by DHS, the Special Counsel for Immigration-Related Unfair Employment Practices (OSC), or the Department of Labor (DOL) for three years after the date of hire or one year after the date the employee's employment is terminated, whichever is later.

What happens if Form I-9 is not completed when filed or if it is not retained?

An employer faces penalties of not less than $110 and not more than $1,100 for each employee for whom a Form I-9 was not properly completed or retained.

What if I request additional documents to establish work authorization?

For requesting more or different documents, a fine of not less than $110 and not more than $1,100 will be imposed for each individual discriminated against.

What do I need to do if I notice an error on a Form I-9 and I need to revise it?

If you notice an error on a Form I-9 after it is completed, simply make the appropriate change to the error, and initial and date the change. If the employee made the error, request that the employee make the change needed. Whoever makes such a change or correction to a Form I-9 must initial and date the correction.

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What are the penalties for knowingly hiring aliens without proper work authorization or unauthorized aliens?

The following are the penalties or fines, *per* unauthorized employee, that an employer who hires or continues to employ aliens who do not have proper work authorization may face:

- First offense: not less than $275 and not more than $2,200 for each unauthorized alien with respect to whom the offense occurred before March 27, 2008, and not less than $375 and not exceeding $3,200, for each unauthorized alien with respect to whom the offense occurred on or after March 27, 2008;
- Second offense: not less than $2,200 and not more than $5,500 for each unauthorized alien with respect to whom the second offense occurred before March 27, 2008, and not less than $3,200 and not more than $6,500, for each unauthorized alien with respect to whom the second offense occurred on or after March 27, 2008; or
- Subsequent offenses--not less than $3,300 and not more than $11,000 for each unauthorized alien with respect to whom the third or subsequent offense occurred before March 27, 2008 and not less than $4,300 and not exceeding $16,000, for each unauthorized alien with respect to whom the third or subsequent offense occurred on or after March 27, 2008.

Employers who fail to comply with the employment verification requirements shall be subject to a civil penalty in an amount of not less than $100 and not more than $1,000 for each individual with respect to whom such violation occurred before September 29, 1999, and not less than $110 and not more than $1,100 for each individual with respect to whom such violation occurred on or after September 29, 1999.

Any person or entity that knowingly engages in a pattern or practice of hiring, or recruiting or referring for a fee for the employment of an unauthorized alien in the United States shall be fined not more than $3,000 for each unauthorized alien, imprisoned for not more than six months for the entire pattern or practice, or both, notwithstanding the provisions of any other federal law relating to fine levels.

As the Attorney General deems necessary, civil action may be brought in the appropriate United States District Court requesting relief, including a permanent or temporary injunction, restraining order, or other order against an employer who the Service has reasonable cause to believe is engaged in a pattern or practice of employment, recruitment, or referral in violation of law.

Are there any penalties for unlawful discrimination?

Yes, there are penalties for unlawful discrimination by an employer against individuals who have work authorization.

The fines would be:

- First offense: Not less than $375 and not more than $3,200 for each individual discriminated against;
- Second offense: Not less than $3,200 and not more than $6,500 for each individual discriminated against; and
- Subsequent offenses: Not less than $4,300 and not more than $16,000 for each individual discriminated against.

Fines for document abuse range from $110 to $1,100 for each victim.

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Chapter 2 Information about Other Responsibilities you may have, as an employer, under U.S. Immigration law

OVERVIEW

Federal law prohibits discrimination in hiring a prospective employee based upon the individual's immigration status or citizenship.

Unit 1	Information about how to avoid discrimination against individuals who have been authorized to work in the U.S. and information about the penalties for discrimination
Unit 2	Information about the requirement to pay for an employee's transportation costs to return overseas if the employer dismisses the employee
Unit 3	Information about the requirement to pay employees fair and equitable wages

Back to Form I-9 Immigration Related Responsibilities Main Menu

Unit 1 Information about how to avoid discrimination against individuals who have been authorized to work in the U.S. and information about the penalties for discrimination

OVERVIEW

Form I-9 lists the acceptable documents that a prospective employee may provide to the employer in order to establish his eligibility to work in the United States. The prospective employee is entitled to choose the document or documents that he presents to the employer. The employer cannot demand specific documents from a prospective employee or specify which documents the individual must provide. To avoid discrimination based on an individual's immigration status or citizenship, the employer should treat all people equally when announcing a job, taking applications, performing interviews, making job offers, verifying the individual's eligibility to work, hiring of the individual, and termination of the individual's employment. U.S. Immigration law prohibits discrimination, on the basis of citizenship, against protected individuals. Protected individuals include citizens or nationals of the United States, lawful permanent residents, temporary residents, and persons who have been granted refugee or asylee status. The U.S. Department of Justice has an Office of Special Counsel. This Office investigates and prosecutes charges of unlawful employment practices related to immigration.

Are there any penalties for unlawful discrimination?

What if an employee does not have a document from List A?

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Are there any penalties for unlawful discrimination?

Yes, there are penalties for unlawful discrimination by an employer against individuals who have work authorization.

The fines would be:

- First offense: Not less than $375 and not more than $3,200 for each individual discriminated against;
- Second offense: Not less than $3,200 and not more than $6,500 for each individual discriminated against; and
- Subsequent offenses: Not less than $4,300 and not more than $16,000 for each individual discriminated against.

Fines for document abuse range from $110 to $1,100 for each victim.

What if an employee does not have a document from List A?

Employers **CANNOT** specify which document(s) they will accept from an employee. If an employee does not present a document from List A, he or she must provide the employer with one document from List B and one from List C. Only the employee can choose the acceptable document(s) to provide.

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Unit 2 Information about the requirement to pay for an employee's transportation costs to return overseas if the employer dismisses the employee

OVERVIEW

USCIS grants certain alien workers an H-1B, H-2B, or H-2R immigration status. If the employer dismisses an alien with such a status prior to the expiration date of the individual's authorized period of stay, the employer is required to pay the reasonable costs for the individual's return transportation abroad. If the alien employee voluntarily terminates his employment prior to the expiration date of his authorized period of stay, the alien is not considered as having been "dismissed," and the employer is not required to pay for the individual's return transportation.

What is a U.S. employer held liable for once an H-1B, or H-2B nonimmigrant is employed?

What is a U.S. employer held liable for once an O-1, P-1, P-2, or P-3 nonimmigrant is employed?

What is a U.S. employer or petitioner held liable for once an H-1C, H-2A, H-3, L-1, Q-1, R-1, or TN nonimmigrant is employed?

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What is a U.S. employer held liable for once an H-1B, or H-2B nonimmigrant is employed?

Under immigration law, a U.S. employer is liable for the reasonable costs of return transportation abroad of the H-1B, H-2B, or H-2R if they terminate the nonimmigrant prior to the expiration of the period of authorized admission. However, there are other general employment responsibilities not covered by immigration law. These inquiries should be directed to the Department of Labor.

What is a U.S. employer held liable for once an O-1, P-1, P-2, or P-3 nonimmigrant is employed?

Under immigration law, both the U.S. employer and the nonimmigrant are "jointly and severally" liable for the reasonable costs of return transportation abroad of the O or P nonimmigrant if the employer terminates the nonimmigrant prior to the expiration of the period of authorized admission. However, there are other general employment responsibilities not covered by immigration law. These inquiries should be directed to the Department of Labor.

What is a U.S. employer or petitioner held liable for once an H-1C, H-2A, H-3, L-1, Q-1, R-1, or TN nonimmigrant is employed?

An employer or petitioner applying for an H-1C, H-2A, H-3, L-1, Q-1, R-1, or TN has employment responsibilities not covered by immigration law. These inquiries should be directed to the Department of Labor.

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Unit 3 Information about the requirement to pay employees fair and equitable wages

OVERVIEW

All workers, regardless of their immigration status, are afforded the full benefits and protections of U.S. labor laws. In certain cases, to employ foreign nationals, the employer must file a Labor Condition Application or an Application for Alien Employment Certification with the Department of Labor. On these applications, the employer must attest that, at a minimum, the employer will pay the prevailing wage for the position and the employer will maintain the working conditions that are being offered. Any petition filed on behalf of a foreign national, which requires an offer of employment, must be accompanied by evidence that the prospective United States employer has the ability to pay the proffered wage.

For information about the employer's attestation requirement to pay fair and equitable wages, please see the U.S. Department of Labor's website: www.foreignlaborcert.doleta.gov

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Volume 4.5.2 Hiring a Foreign National for Short-Term Employment

OVERVIEW

Employers sometimes need to hire foreign labor when there is a shortage of available U.S. workers. To help satisfy their labor needs, employers may be able to assist foreign laborers to legally enter the U.S. temporarily. There are several employment-based nonimmigrant visa categories that permit a foreign worker to enter the U.S. and work temporarily for a specific employer or company. Under each category, the foreign national must meet specific requirements related to the occupation for which an employer is petitioning.

What information are you seeking? (Choose one below)

Back to: Main Menu

Chapter 1 Information about Temporary Employment of Nonimmigrant Workers and Extending or Changing a Worker's Status

Which of the following three subjects are you interested in? (Choose one below)

Unit 1 How to temporarily employ a foreign national who is living abroad or get information about a specific employment-based nonimmigrant visa category

Unit 2 How to temporarily employ a foreign national who is already in the U.S. in another nonimmigrant category

Unit 3 How to extend the stay of a temporary nonimmigrant worker

Back to: Hiring a Foreign National Main Menu

Chapter 1	Information about Temporary Employment of Nonimmigrant Workers and Extending or Changing a Worker's Status
Unit 1	How to temporarily employ a foreign national who is living abroad or get information about a specific employment-based nonimmigrant visa category

OVERVIEW

An employer or agent, who wants to hire a foreign worker to temporarily perform services, perform labor, or receive training, may file a Form I-129 "Petition for Non-immigrant Worker," on behalf of the worker. Form I-129 is primarily used for non-immigrants. That is, the worker who enters the United States under this petition must depart from the U.S. when his authorized "period of stay" in the country has expired. Form I-129 may also be used to request an extension of the period of stay or to request a change of status for certain non-immigrants.

For more details on the process of temporarily employing a foreign national, you must first decide which employment-based nonimmigrant category most closely relates to the job you are offering to the foreign national employee.

Note to Representative: Select the link above to see the various categories.

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Please select one of the following employment-based nonimmigrant categories:

- E-3 Australian Specialty Occupation Workers
- H-1B Nonimmigrant Workers in a Specialty Occupation
- H-2A Temporary Agricultural Workers
- H-2B Skilled or Unskilled Workers
- H-3 Trainees or Special Education Exchange Visitors
- L-1 Intra-Company Transferees
- O-1 Aliens with Extraordinary Ability
- P-1 Internationally Recognized Athletes, or an Athletic Team, Members of an Entertainment Group, and Certain Other Athletes and Entertainers
- P-2 Artists or Entertainers in Exchange Agreement
- P-3 Culturally Unique Artists or Entertainers
- Q-1 International Cultural Exchange Visitors
- R-1 Religious Workers
- TN Professionals (NAFTA)

Back to: Foreign National Living Abroad Hiring a Foreign National Main Menu

How does an employer help an employee get H-1B, H-2A, or H-2B status?

There are generally three steps that lead to an individual obtaining an H-1B, H-2A, or H-2B nonimmigrant status or visa. The employer must take the first two steps and the employee takes the last step. The following outlines these steps:

1. For H-1Bs, employer files a Labor Condition Application (ETA 9035), **or** for H-2As and H-2Bs, an Application for Temporary Employment Certification (ETA 9142) with the U.S. Department of Labor based on their web-based system.

   Note: For specific filing procedures please go to the Employment and Training Administration website.

2. File the approved ETA 9035, or ETA 9142 with a Petition for a Nonimmigrant Worker, Form I-129, and Supplement H to Form I-129.

3. Once the Petition for a Nonimmigrant Worker, Form I-129, is approved, the following table shows the steps the beneficiary should take:

If the beneficiary is...	Then...
Outside the U.S.	The beneficiary should apply for a visa at the U.S. consulate
Inside the U.S. in a valid nonimmigrant status at the time the I-129 is filed.	The beneficiary can begin to work for the petitioning employer.
Inside the U.S. out of status	The beneficiary must depart the U.S. and apply for a visa at the U.S. consulate abroad.

Note to Representative: For H-2B petitions: the employment start date on the petition must match the start date on the labor certification.

Back to: Foreign National Living Abroad Hiring a Foreign National Main Menu

How does a petitioner (or H-3 sponsor) file for an H-3, L-1, O, P-1, P-2, P-3, or Q-1 visa?

There are generally two steps that lead to an individual obtaining the above mentioned nonimmigrant statuses or visas. The petitioner (or H-3 sponsor) must take the first step and the employee (or H-3 Trainee or Special Education Exchange Visitor) takes the last step. These steps are outlined below:

1. File a Petition for a Nonimmigrant Worker, Form I-129 and the corresponding Supplement to Form I-129.
2. Once the Petition for a Nonimmigrant Worker, Form I-129, is approved, the following table shows the steps the beneficiary should take:

If beneficiary is...	Then....
Outside the U.S.	The beneficiary should apply for a visa at a U.S. consulate.
Inside the U.S. in a valid nonimmigrant status at the time the I-129 was filed.	The beneficiary can begin to work immediately for the petitioning employer.
Inside the U.S. out of status	The beneficiary must depart the U.S. and apply for a visa at the U.S. consulate abroad.

Notes to Representative:

- Filing procedures for multiple L-1 workers is different: Blanket L-1 Petitions.
- Canadians do not have to obtain an L-1 visa; the approved petition can be sent to a Port of Entry.
- An L-1 petition is non-transferable and tied only to that employer. However, if an L-1 worker wants to change employers, a new employer can file a new L-1 petition on behalf of the worker. The new employer must notify USCIS of the job change.
- Petitioners may file O and P petitions up to one year prior to the petitioner's need for the alien's services.

Back to: Foreign National Living Abroad Hiring a Foreign National Main Menu

Do the I-129 filing procedures for multiple L-1 workers differ from those for one L-1 worker?

Yes. Filing procedures are different since it is first required that the employer obtains approval for the blanket petition. Then, the employer can file a separate form to obtain individual approval for each L-1 worker. This process is illustrated below:

a) File a Petition for a Nonimmigrant Worker, Form I-129, and Supplement L to Form I-129.
Note: The employer must make sure to indicate that the petition is a blanket petition

b) Once the blanket petition is approved, the employer can take the following steps depending on the location of the employee at the time the petition is filed:

If beneficiary is...	Then the employer should file....
Inside the U.S. in a valid nonimmigrant status at the time Form I-129 was filed.	Form I-129S and a copy of Form I-797 (approval notice) to request a change of status based on the approved blanket petition.
Outside the U.S.	A completed Form I-129S and a copy of Form I-797 (approval notice).
Inside the U.S. out of status	The beneficiary must depart the U.S. and apply for a visa at the U.S. consulate abroad.

c) Once the Petition for a Nonimmigrant Worker, Form I-129, or Form I-129S is approved, the following table shows the steps the beneficiary should take:

If beneficiary is...	Then the beneficiary...
Inside the U.S. in a valid nonimmigrant status at the time Form I-129 was filed.	Can begin to work immediately for the petitioning employer.
Outside the U.S.	Should apply for an L-1 visa at the U.S consulate.

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Can a U.S. employer include more than one worker on the Application for Temporary Employment Certification (ETA Form 9142)?

The employer should contact the Employment and Training Administration to determine if it is possible to include more than one worker on the Application for Temporary Employment Certification (ETA Form 9142).

Can an U.S. employer petition for more than one worker on the Petition for a Nonimmigrant Worker (I-129)?

Yes, depending on the classification sought, a single petition may cover multiple workers if the workers meet the following conditions:

- Will perform the same services
- Will work in the same location
- Are included on the same labor certification, if such is required, and,
- Come from places that are served by the same U.S. consulate, or, if visa exempt, they will enter at the same port of entry.

Do the I-129 filing procedures for multiple workers differ from those for one worker?

Generally the filing procedures for multiple workers are the same as they are for one worker except that the employer should include Attachment 1 to Form I-129 when filing Form I-129.

Must the name of all workers be listed on Form I-129 if it is a blanket petition?

Yes, all beneficiaries must be named unless circumstances (e.g. emergencies) make identification by name impossible. If identification by name is impossible, then the number of unnamed beneficiaries must be stated on the petition.

Is there any numerical limitation on the number of workers a U.S. employer can petition for on a single Form I-129 petition?

No, there is not a numerical limitation on the number of workers a U.S. employer can petition for on a single Form I-129 petition. However, there are also other factors that could limit an employer's ability to petition for multiple workers, such as the ability to pay each worker the prevailing wage.

Does the employer have to pay an additional fee for a blanket petition?

No, the employer does not have to pay any additional fee when filing Form I-129 on behalf of more than one worker.

Can a P-1, P-2, P-3, or Q-1 nonimmigrant work in more than one location?

Generally, a nonimmigrant in P or Q status may work in more than one location. However, the petition must include an itinerary with the dates and locations of the performances at the time Form I-129 is filed.

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How can an employer expedite a Form I-129?

A petitioning employer or the beneficiary must file a Request for Premium Processing Service, Form I-907, with the appropriate fee along with Form I-129, or after receiving the receipt notice for Form I-129, at the USCIS Service Center that generated the receipt notice.

Note to Representative: For R-1 petitioners, successful completion of a site inspection is a pre-requisite for filing for premium processing service. The processing time for the I-907 is usually 15 days, and the employer can check the status of that form via e-mail. If USCIS does not notify the petitioner with a decision or a request for evidence within 15 days, the fee will be refunded.

What is the filing fee for the Application for Temporary Employment Certification (ETA Form 9142) or for the Labor Condition Application (ETA Form 9035)?

The employer should contact the Employment and Training Administration to determine if there is a fee for the Temporary Employment Certification (ETA Form 9142) or for the Labor Condition Application (ETA Form 9035).

What kind of evidence or documents will a U.S. employer need to file with the Application for Temporary Employment Certification (ETA Form 9142) or with the Labor Condition Application (ETA Form 9035)?

The employer should contact the Employment and Training Administration to find out what type of documentary evidence is needed to file with an Application for Temporary Employment Certification (ETA Form 9142) or with a Labor Condition Application (ETA Form 9035).

How can a nonimmigrant bring his/her family to the U.S. or change the status of family members already in the U.S.?

In order for nonimmigrants to obtain a visa or status for their dependents, please use the process in the following table:

If the nonimmigrant's dependents are....	Then the dependents should....
Inside the U.S. in a valid nonimmigrant status	File one Application to Extend or Change Nonimmigrant Status, Form I-539, for all dependents either: • With the nonimmigrant's Form I-129, or; • Separately upon approval of the nonimmigrant's Form I-129.
Inside the U.S. out of status	The beneficiary must depart the U.S. and apply for a visa at the U.S. consulate abroad.
Outside the U.S.	Contact the nearest U.S. Consulate to find out the procedures to obtain a nonimmigrant visa.

Note to Representative: The term "dependents" as used in this question is defined as the spouse and unmarried children under the age of 21.

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How can an employer cancel a nonimmigrant's visa or status?

The employer or petitioner should write a letter to the USCIS Service Center where the Form I-129 was approved, requesting withdrawal of the petition and send a copy of that letter to the consulate where the visa was issued requesting cancellation of the visa.

Can a foreign employer apply for a nonimmigrant to work in the U.S.?

A foreign employer can only apply for a nonimmigrant through a U.S. agent. The foreign employer is held responsible for all the employer requirements and held liable for all the employer sanctions of a U.S. employer when petitioning through a U.S. agent.

What is a U.S. employer held liable for once an H-1B or H-2B nonimmigrant is in their employ?

Under immigration law, a U.S. employer is liable for the reasonable costs of return transportation abroad of the H-1B or H-2B nonimmigrant if they terminate the nonimmigrant prior to the expiration of the period of authorized admission. However, there are other general employment responsibilities not covered by immigration law. These inquiries should be directed to the Department of Labor.

What is a U.S. employer held liable for once an O-1, P-1, P-2, or P-3 nonimmigrant is in their employ?

Under immigration law, both the U.S. employer and the petitioner are "jointly and severally" liable for the reasonable costs of return transportation abroad of the O or P nonimmigrant if the employer terminates the nonimmigrant prior to the expiration of the period of authorized admission. However, there are other general employment responsibilities not covered by immigration law. These inquiries should be directed to the Department of Labor.

What is a U.S. employer or petitioner held liable for once an H-2A, H-3, L-1, Q-1, R-1, or TN nonimmigrant is in their employ (or for H-3s, in their organization)?

An employer or petitioner applying for an H-2A, H-3, L-1, Q-1, R-1, or TN nonimmigrant has employment responsibilities not covered by immigration law. These inquiries should be directed to the Department of Labor.

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From whom can a consultation or a written advisory opinion be obtained?

A written advisory opinion can be obtained from a peer group (including labor organizations), or a person designated by the group with expertise in the alien's area of ability.
A consultation should include:

- The nature of the work to be done by the foreign national; and
- The foreign national's qualifications for the employment.

A peer group includes:

- A group or organization that is comprised of practitioners in the area of the worker's field; or
- A person or persons with expertise in the worker's field with confirmable or provable credentials.

Can a beneficiary or beneficiaries of a Form I-129, based on P-1, P-2, or P-3 status, be substituted?

Yes. A petitioner may request substitution by submitting a letter with the request along with a copy of the petitioner's approval notice to the consular office at which the alien will apply for a visa, or port of entry where the alien will apply for admission.

However, essential support personnel for P principals may not be substituted at a consular office or at a port of entry. In order to add additional new essential support personnel, a new Petition for a Nonimmigrant Worker, Form I-129, must be filed.

Can Essential Support Personnel of a P-1, P-2, or P-3 nonimmigrant be filed for on the same petition as the principal P nonimmigrant?

No. A separate petition must be filed for Essential Support Personnel of a P nonimmigrant principal.

Can a nonimmigrant travel outside the U.S. and then reenter?

An H-1B and L-1 visa allows a nonimmigrant holding and maintaining that status to reenter the U.S. during the validity period of the visa and approved petition. For all other nonimmigrant visas, travel outside the U.S. is allowed; however, temporary absences for either business or personal reasons may count toward the maximum period of admission. Also, nonimmigrants should always carry their documentation with them when traveling.

Can a nonimmigrant in H-1B or L-1 status intend to immigrate permanently to the U.S.?

Nonimmigrants in H-1B or L-1 status can be the beneficiary of an immigrant visa petition, apply for adjustment of status, or take other steps toward Lawful Permanent Resident status without affecting their status. This is known as "dual intent" and has been recognized in immigration law since passage of the Immigration Act of 1990. During the time that the application for LPR status is pending, a nonimmigrant in valid H-1B or L-1 status may travel on his or her visa rather than obtaining advance parole or requesting other advance permission from USCIS to return to the U.S.

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Can a nonimmigrant in O, P, or R status intend to immigrate permanently to the U.S.?

The approval of a permanent labor certification or the filing of a preference petition for an alien shall not be the basis for denying an O-1, P, or R-1 petition, a request to extend such a petition, or the alien's admission, change of status, or extension of stay. The alien may legitimately come to the U.S. for a temporary period and depart voluntarily at the end of his or her authorized stay and, at the same time, lawfully seek to become a permanent resident of the U.S. This provision does not apply to essential support personnel of O and P nonimmigrants.

Can a nonimmigrant in H-2A, H-2B, H-3, Q-1, TN status intend to immigrate permanently to the U.S.?

No. Nonimmigrants in H-2A, H-2B, Q-1, or TN status must prove that they have a "nonimmigrant" or temporary intent at the time of filing for such status. In other words, they must intend to return to their foreign residence upon the expiration of their period of authorized stay.

Can a nonimmigrant employee change employers?

Generally, a nonimmigrant employee can change employers. However, the new employer must follow the process for initially applying for a nonimmigrant employee. For information on this process, please select the relevant nonimmigrant visa category below:

H-1B	H-2A	H-2B	H-3	L-1	O-1	P-1
P-2	P-3	Q-1	R-1	TN Canadian	TN Mexican	

Can a nonimmigrant employee work for more than one employer?

Generally, a nonimmigrant employee may work for more than one employer at the same time. However, each employer must follow the process for initially applying for a nonimmigrant employee. For information on this process, please select the relevant nonimmigrant visa category below:

H-1B	H-2A	H-2B	H-3	O-1	P-1	P-2	P-3	Q-1	R-1	TN Canadian	TN Mexican

Note: An L-1 can only work for the company that originally petitioned for the L-1 or one of its subsidiaries, branches or affiliates.

When can the nonimmigrant employee begin to work for the new employer?

The nonimmigrant employee can begin to work the new employer once the Form I-129 has been approved by USCIS.

Note: Due to the "portability provisions" of AC21, certain H-1B nonimmigrants can begin to work for a new employer once Form I-129 is filed with the USCIS.

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What is VIBE?

The Web-based *Validation Instrument for Business Enterprises* (Vibe) is a tool designed to enhance USCIS's adjudications of certain employment-based immigration petitions. Vibe uses commercially available data from an independent information provider (IIP) to validate basic information about companies or organizations petitioning to employ alien workers. Currently, the independent information provider for the VIBE program is Dun and Bradstreet (D&B).

For more information about VIBE, please visit our website at www.uscis.gov/vibe.

How do I fill out Part 6 of Form I-129?

If you need guidance on export control requirements for Part 6 of the I-129 form, please go to www.uscis.gov and type in "I-129 and export controls" in the Search box. Results will show frequently asked questions pertaining to this form. For assistance on completing an export license application, contact the U.S. Department of Commerce, Bureau of Industry and Security at 202 482 4811 or if you are on the west coast the number is 949-660-0144 ext. 0. For foreign individuals who will work on military- related projects that may require an export license, contact the U.S. Department of State at 202-663-1282.

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Chapter 1	Information about Temporary Employment of Nonimmigrant Workers and Extending or Changing a Worker's Status
Unit 1	How to temporarily employ a foreign national who is living abroad or get information about a specific employment-based nonimmigrant visa category
	E-3 Australian Specialty Occupation Workers

OVERVIEW

This visa category largely takes Australians out of the H-1B visa quota and offers them a separate visa that is similar, but more flexible than the H-1B. This visa category also incorporates some of the elements of an E treaty visa and functions as a hybrid visa that should be highly useful to Australian nationals seeking to work in the U.S. to perform services in a "specialty occupation".

Frequently Asked Questions

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What is the E-3 visa category?

The E-3 visa classification is for Australian nationals. The E-3 nonimmigrant must be coming to the U.S. solely to perform services in a specialty occupation.

To apply, what is required of the petitioning employer?

The petitioning employer will be required to file a Labor Condition Application (ETA 9035) with the Department of Labor's National Office. Employers must make the same attestations that they make for H-1B applications, including those regarding paying the prevailing and actual wages, not breaking up strikes, maintaining public access files, etc. Nothing needs to be filed with USCIS.

How does a prospective employee obtain an E-3 visa?

Individuals who are not in the U.S. who wish to be admitted initially as an E-3 must apply directly with the Department of State. Such persons must submit a job offer letter, relevant credentials, and an E-3 labor attestation.

What is a specialty occupation?

For purposes of the E-3 category, a specialty occupation is defined in the same manner as in the H-1B context. A specialty occupation is one which requires:

- The theoretical and practical application of a body of highly specialized knowledge to fully perform the occupation; and
- Completion of a specific course of higher education culminating in a baccalaureate degree (Bachelor's Degree) or higher degree (or its equivalent) in a specific occupation specialty: engineering, mathematics, physical sciences, computer sciences, medicine and health care, education, biotechnology, and business specialties, etc.

An example of this would be an individual obtaining an accounting degree from Harvard, performing an internship at a local auditing firm, and then being hired as an auditor for a Fortune 500 company.

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What are the time limits on the duration of stay for an E-3?

An E-3 may be admitted initially for a period up to two years and extensions of stay may be granted indefinitely in increments of up to two years.

How does a nonimmigrant change his/her status to that of an E-3 or extend E-3 status?

By filing Form I-129, a national of the Commonwealth of Australia, currently admitted to the U.S. as a nonimmigrant in a category eligible to change nonimmigrant status, may apply to change to E-3 status and apply to extend such status after it is initially granted. Form I-129 must be submitted to process the change of status or extension of status. The E supplement to the I-129 is not currently required. Please follow the instructions to Form I-129. The following documentation must also be submitted with the I-129:

- A letter from the U.S. employer describing the specialty occupation, the anticipated length of stay, and the arrangements for remuneration;
- Evidence that you meet the educational requirement for the specialty occupation, which must be a U.S. bachelor's degree or higher (or its equivalent) in the specific specialty;
- A U.S. Department of Labor issued certified labor attestation for E-3 Specialty Occupation Worker;
- Proof that you are a national of Australia; and,
- Proof that you meet the general requirements to be eligible to apply to change status or extend status.

Note to Representative: Premium Processing is not currently available to those applying to change to E-3 status.

Can an E-3 nonimmigrant immigrate permanently to the U.S.?

An E-3 nonimmigrant shall maintain an intention to depart the U.S. upon the expiration or termination of his or her E status. E-3 visas are not dual intent visas in the sense of H-1B visas and L-1 visas. However, an application for initial admission, change of status or extension of stay, may not be denied solely on the basis of an approved request for permanent labor certification or a filed or approved immigrant visa preference petition.

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Is there a limit on the number of E-3 visas that will be issued?

There is an annual cap of 10,500 E-3 visas. The spouse and children of the E-3 principal are allowed to accompany the principal and will not count against the cap. Extensions of stay will not count against the cap either.

Can spouses of E-3s work?

Dependent spouses of principal E-3 workers are eligible to apply for work authorization. To apply the dependent spouse must file Form I-765, Application for Employment Authorization, with the Service Center that has jurisdiction over the dependent spouse's place of residence. However, applications for employment authorization concurrently filed with Form I-129 petitions for E-3 principal workers can only be filed at the Vermont Service Center.

In order to establish a valid marital relationship and verify current status of the dependent spouse and the E-3 principal, both the dependent spouse's and the E-3 principal's Form I-94, Arrival-Departure Record, or a printed Form I-94 from the CBP webpage www.cbp.gov/I94, evidencing admission as or change of status to an E-3, should be submitted together with the Form I-765. When applicable, you should also submit a copy of the petition approval notice of the E-3 principal.

What are the employment authorization processing procedures for dependent spouses?

Form I-765 currently contains a space for the applicant to fill in the basis for employment authorization. Applicants should write in the words "spouse of E nonimmigrant".

You may be granted employment authorization for the period of admission and/or status of the E-3 principal, not to exceed two years. In addition, dependent spouses may file Form I-765 concurrently with Form I-539, Application to Extend or Change Nonimmigrant Status.

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Chapter 1	Information about Temporary Employment of Nonimmigrant Workers and Extending or Changing a Worker's Status
Unit 1	How to temporarily employ a foreign national who is living abroad or get information about a specific employment-based nonimmigrant visa category
	H-1B Nonimmigrant Workers

OVERVIEW

The H-1B nonimmigrant visa category allows U.S. companies to petition for qualified candidates from foreign countries to perform services temporarily in the United States:

- In a specialty occupation;
- As a fashion model who has distinguished merit and ability;
- To perform services of an exceptional nature requiring exceptional merit and ability relating to a cooperative research and development project agreement administered by the Secretary of Defense.

What information are you seeking? (Please select one of the following options)

- Information about the Filing Process
- Information about On-site Visits
- Information about the Period of Authorized Stay
- Information about a Change of Employers or Multiple Employers or Change in Work Location
- Information about Employer Responsibilities
- Information about Travel
- Other Questions

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Information about the Filing Process

- How does an employer apply for an H-1B nonimmigrant employee?
- What kind of evidence or documents will a U.S. employer need to file with the Petition for a Nonimmigrant Worker (I-129)?
- What is a specialty occupation?
- Is it possible to substitute education with experience?
- Can an employer petition for more than one H-1B employee on the same petition?
- What is the filing fee for a Labor Condition Application (ETA 9035)?
- What is the filing fee for Form I-129?
- Can an employer be exempt from paying the American Competitiveness and Workforce Improvement Act (ACWIA) fee for an H-1B?
- How can an employer expedite Form I-129?
- Where does the employer file Form I-129?
- How do I fill out Part 6 of Form I-129?
- How can a nonimmigrant bring his/her family to the U.S. or change the status of family members already in the U.S.?

Information about On-site Visits

- Will USCIS be conducting on-site inspections?
- Who will be conducting the site visits?
- What specific tasks will the site inspectors perform?

Information about the Period of Authorized Stay

- How long can a nonimmigrant stay in H-1B status?

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Information about a Change of Employers or Multiple Employers or Change in Work Location

- Can an H-1B nonimmigrant change employers?
- Can an H-1B nonimmigrant work for more than one employer?
- When can the nonimmigrant begin to work for the new employer?
- Can an employer change the worksite location of an H-1B nonimmigrant?
- What is "portability"?
- Who can an H-1B nonimmigrant work for?
- Does the merger or sale of an employer's business affect the H-1B nonimmigrant's status?

Information about Employer Responsibilities

- What is a U.S. employer liable for once an H-1B nonimmigrant is in their employ?
- Must an H-1B nonimmigrant be working at all times?
- How can an employer cancel a nonimmigrant's visa or status?

Information about Travel

- Can a nonimmigrant travel outside the U.S. and then reenter?

Other Questions

- Can an H-1B nonimmigrant intend to immigrate permanently to the U.S.?
- Is there an annual limit on the number of H-1B nonimmigrants and are there exemptions to the annual limit?
- What is the procedure for selecting H-1B petitions when the annual cap is reached within the first five business days?
- What are the interim procedures USCIS will employ to determine if H-1B petitions filed by a non-profit organization related to or affiliated with an institution of higher education are exempt from the annual cap?
- Can the spouse of an H-1B nonimmigrant work?
- What is VIBE?

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What kind of evidence or documents will a U.S. employer need to file with the *Petition for a Nonimmigrant Worker* (Form I-129)?

If an employer files an I-129 for an H-1B worker in a specialty occupation, then the employer will need the following supporting evidence:

- A certified labor condition application from the Department of Labor;
- Copies of evidence that the proposed employment qualifies as a specialty occupation;
- Evidence the individual has the required degree by submitting either:
    - A copy of the person's U.S. baccalaureate or higher degree which is required by the specialty occupation;
    - A copy of a foreign degree determined to be equivalent to the U.S. degree; or
    - Copies of evidence of education and experience which is equivalent to the required U.S. degree;
- A copy of any required license or other official permission to practice the occupation in the state of intended employment; and
- A copy of any written contract between the employer and the individual or a summary of the terms of the oral agreement under which the individual will be employed.

If an employer files an I-129 for an H-1B fashion model of distinguished merit, then the employer will need the following supporting evidence:

- A certified labor condition application from the Department of Labor;
- Copies of evidence establishing that the individual is nationally or internationally recognized in the field of fashion modeling;
- This evidence must include at least two of the following types of documentation which show that the person:
    - Has achieved national or international recognition in his or her field as evidenced by major newspaper, trade journals, magazines or other published material;
    - Has performed and will perform services as fashion model for employers with a distinguished reputation;
    - Has received recognition for significant achievements from organizations, critics, fashion houses, modeling agencies or other recognized experts in the field; and
    - Commands a high salary or other substantial remuneration for services, as shown by contracts or other reliable evidence.
- Copies of evidence establishing that the services to be performed require a fashion model of distinguished merit and ability and either:
    - Is involved in an event or production that has a distinguished reputation;
    - Or will be providing a service for an organization or establishment that has a distinguished reputation, or record of employing persons of distinguished merit and ability.

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What is a specialty occupation?

A specialty occupation is one that requires:

- The theoretical and practical application of a body of highly specialized knowledge to fully perform the occupation; and
- Completion of a specific course of higher education culminating in a baccalaureate degree in a specific occupation specialty: engineering, mathematics, physical sciences, computer sciences, medicine and health care, education, biotechnology, and business specialties, etc.

An example of this would be an individual obtaining an accounting degree from Harvard, performing an internship at a local auditing firm, and then being hired as an auditor for a Fortune 500 company.

Can an employer be exempt from paying the American Competitiveness and Workforce Improvement Act (ACWIA) fee for an H-1B nonimmigrant?

Yes. The ACWIA fee is also not required when:

- A petitioner files its second or subsequent request for an extension of stay with the same employer;
- A petitioner files an amended petition that does not contain any requests for extension of stay filed by the employer;
- The petition is to correct a USCIS error.

The following organizations are not required to pay the ACWIA fee:

- Institutions of higher education and related or affiliated nonprofit entities;
- Non-profit or governmental research organizations;
- Primary or secondary education institutions; or
- Nonprofit entities engaged in "established curriculum-related clinical training of students."

Is it possible to substitute education with experience?

Yes. A degree or its equivalent is sufficient if it is a requirement for the job. However, the degree and/or equivalent experience may not be sufficient without showing that it is a specialized degree and/or specialized experience as required by the specialty occupation.

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Will USCIS be conducting on-site inspections?

Yes. USCIS will be conducting on-site inspections as part of the Administrative Site Visit and Verification Program (ASVVP). The ASVVP is designed to supplement existing DHS and USCIS anti-fraud initiatives. As part of the process, site inspections are conducted to verify that a location of employment exists and to validate information provided on the petition. Inspections may include a tour of the organization's facilities, interviews with organization officials, a review of selected organization records relating to the organization's compliance with immigration laws and regulations, and interviews with any other individuals or review of any other records that USCIS considers relevant to the integrity of the organization.

Note to Representative: More information about site visits, including frequently asked questions.

Who will be conducting the site visits?

USCIS Immigration Officers will be conducting site visits through the Administrative Site Visit and Verification Program. Site inspectors receive specialized training specific to conducting site visits. These individuals will be operating under the authority delegated to USCIS by the Secretary of Homeland Security to perform functions under U.S. immigration laws, including verifying information associated with applications or petitions.

What specific tasks will the site inspectors perform?

Site inspectors will verify the existence of a petitioning entity, take digital photos, obtain documents, and speak with organizational representatives to confirm the beneficiary's work location, employment workspace, hours, salary, and duties to assist USCIS in determining whether they are in compliance with the terms and conditions stated in the petition.

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How long can a nonimmigrant stay in H-1B status?

Generally, most H-1Bs are granted an initial period of admission of up to three (3) years. H-1B status may be extended for another three years for a maximum period of stay of six years.

However, there are exceptions to the maximum stay as follows:

- The American Competitiveness in the 21st Century Act (AC21) allows for an extension of the 6-year maximum stay if a labor certification application or Form I-140 was filed one-year prior to the start of the sixth year.
- Similarly, AC21 allows for a 3-year extension beyond the 6-year maximum stay if the worker has an approved labor certification application and an approved Form I-140, but cannot apply for adjustment of status due to retrogression in the employment-based visa numbers.
- Another exception is for workers who have spent more than one year abroad after spending less than six years in H-1B status within the U.S. Such workers can elect either (1) to be re-admitted for the remainder of the initial 6-year stay or (2) seek to be re-admitted as a new H-1B worker subject to the annual cap.

Must an H-1B nonimmigrant be working at all times?

As long as the employer/employee relationship exists, an H-1B nonimmigrant is still in status. An H-1B nonimmigrant may work in full or part-time employment, as provided by the approved H-1B petition, and remain in status. An H-1B nonimmigrant may also be on vacation, sick/maternity/paternity leave, on strike, or otherwise inactive without affecting his or her status.

Can an employer petition for more than one H-1B employee on the same petition?

No, it is not possible for an employer to petition for more than one H-1B nonimmigrant on the same petition. Each H-1B nonimmigrant requires a separate Petition for a Nonimmigrant Worker (I-129).

For whom can an H-1B nonimmigrant work?

H-1B nonimmigrants may only work for the petitioning U.S. employer and only in the H-1B activities described in the petition. The petitioning U.S. employer may place the H-1B worker on the worksite of another employer if all applicable rules (e.g., Department of Labor rules) are followed.

Can an employer change the worksite location of an H-1B nonimmigrant?

On April 9, 2015, the Administrative Appeals Office (AAO) issued the precedent decision, *Matter of Simeio Solutions, LLC*. This decision represents the USCIS position that H-1B petitioners are required to file an amended or new petition before placing an H-1B employee at a new place of employment not covered by an existing, approved H-1B petition. For more information, please refer to the AAO decision.

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What is "portability"?

"The American Competitiveness in the Twenty-First Century Act" (AC21), which was signed into law on October 17, 2000, establishes new benefits in the H-1B nonimmigrant classification such as portability. Due to this law:

A person in H-1B status may accept new employment upon the filing of a new petition by a prospective employer if:

- He or she was lawfully admitted;
- The new petition is "nonfrivolous";
- The new petition was filed before the date of expiration of the period of the prior authorized stay; and
- Subsequent to such lawful admission, the H-1B beneficiary has not been employed without authorization before the filing of such petition.

In order to be admitted at the border under the portability provisions, an applicant must meet the following requirements. He or she must:

- Be otherwise admissible;
- Be in possession of a valid un-expired passport and visa, unless exempt from passport or visa requirements (Canadian citizens);
- Establish that s/he was previously admitted in H-1B status by presenting an I-94, or a printed Form I-94 from the CBP webpage www.cbp.gov/I94, or Form I-797; and
- Present the filing receipt form I-797 for the new H-1B or other evidence of timely filing prior to the expiration of the previous H-1B status.

Does the merger or sale of an employer's business affect the H-1B nonimmigrant's status?

The merger or sale of an H-1B employer's business will not necessarily affect the nonimmigrant status. However, if the change means that the nonimmigrant is working in a capacity other than the specialty occupation for which they petitioned, it is a status violation.

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Is there an annual limit on the number of H-1B nonimmigrants?

Yes. The current law (AC21) limits to 65,000 the number of non-immigrants per fiscal year who may have a visa issued or otherwise provided H-1B status. USCIS has received a sufficient number of H-1B petitions to reach the annual cap for Fiscal Year (FY) 2016. USCIS has also received more than the limit of 20,000 H-1B petitions filed under the U.S. advanced degree exemption.

USCIS has selected enough petitions through the computer-generated random process to meet the 65,000 general-category cap and the 20,000 cap under the advanced degree exemption. USCIS will reject and return all unselected petitions with their filing fees, unless the petition is found to be a duplicate filing (USCIS will not refund filing fees for duplicative or multiple H-1B petitions).

More information about the procedure USCIS will employ for selecting cap-subject petitions when the cap is reached within the first five business days.

Petitions to extend the status of current H-1B workers do not count toward the cap. Accordingly, USCIS will continue to process petitions filed to:

- Extend the stay of a current H-1B worker in the U.S.
- Change the terms of employment for current H-1B workers.
- Allow current H-1B workers to change from one cap-subject position to a different cap-subject position with a different employer.
- Allow current H-1B workers to work concurrently in a second H-1B position.

The following are exemptions to the H-1B cap:

- The first 20,000 H-1B beneficiaries who have earned a master's degree or higher from a U.S. institution of higher education are not subject to the annual cap. USCIS has already received more than 20,000 H-1B petitions filed on behalf of persons exempt from the annual cap under the "advanced degree" exemption.
- H-1B workers who are employed by or have an offer of employment from an institution of higher education or a related or affiliated nonprofit entity. Please see the interim procedures for non-profit organizations seeking exemption from the annual cap.
- H-1B workers who are employed by or have an offer of employment from either a nonprofit or government research organization.
- J-1 non-immigrants who have obtained a waiver of the two-year home residency requirement through the State 30 program.

The following H-1B visa numbers are set aside from the annual cap:

- The U.S.-Chile and U.S.-Singapore Free Trade Agreements require USCIS to set aside 6,800 visa numbers for beneficiaries from these countries who are eligible for H-1B1 classification under these Agreements. If all of the Singapore/Chile slots are not filled during the current fiscal year, the unused visa numbers will be added back into the general fiscal year cap, but will not be available until the next fiscal year.

Note to Representative: For additional information on the annual cap, direct the customer to our Webpage at www.uscis.gov/h-1b_count.

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What is the procedure for selecting H-1B petitions when the annual cap is reached within the first five business days?

Due to the high demand for H-1B petitions, USCIS has implemented new rules for counting the annual limit of 65,000 H-1B petitions. The overall goal of the new rule is to promote equal opportunity for prospective petitioners and to ensure a fair and orderly distribution of available H-1B visas. **The new rule makes the following modifications**:

- USCIS will now either deny or revoke multiple petitions filed by an employer for the same H-1B worker;
- USCIS will not refund filing fees for duplicative or multiple H-1B petitions;
- In years when USCIS implements the random selection process for petitions, USCIS will include petitions in the random selection process that are filed during the first five business days available for filing H-1B petitions for a given fiscal year, rather than just the first two such days; and
- If a petition incorrectly indicates that it is exempt from any of the H-1B numerical limits, the petition will be denied if no H-1B visa numbers are available and the filing fees will not be returned.

However, the new rule does not prevent related employers (such as a parent company and its subsidiary) from filing petitions on behalf of the same foreign national for different positions, based on legitimate business need.

What happens when the cap is reached?

If USCIS determines that the number of H-1B petitions received meets the cap within the first five business days of accepting petitions, USCIS will apply a random selection process among all H-1B petitions received during this time period. If the 20,000 advanced degree limit is reached during the first five business days, USCIS will randomly select from those petitions ahead of conducting the random selection for the 65,000 limit. Petitions subject to the 20,000 limit that are not selected in that random selection will be considered with the other H-1B petitions in the random selection for the 65,000 limit.

Premium Processing

H-1B petitioners may still continue to request premium processing together with their H-1B petition. On April 27, 2015, USCIS will begin premium processing for cap-subject H-1B petitions requesting premium processing, including petitions seeking an exemption for individuals with a U.S. master's degree or higher.

Note: General information on the annual limit and exemptions to the annual limit.

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What are the interim procedures USCIS will employ to determine if H-1B petitions filed by a non-profit organization related to or affiliated with an institution of higher education are exempt from the annual cap?

Effective March 18, 2011, for an interim period, USCIS will give deference to prior determinations made since June 6, 2006, that a non-profit entity is related to or affiliated with an institution of higher education – absent any significant change in circumstances or clear error in the prior adjudication – and, therefore, exempt from the H-1B statutory cap. However, the burden remains on the petitioner to show that its organization previously received approvals of its request for H-1B cap exemption as a non-profit entity that is related to or affiliated with an institution of higher education.

Petitioners may satisfy this burden by providing USCIS with evidence such as a copy of the previously approved cap-exempt petition (Form I-129 and pertinent attachments) and the previously issued I-797 approval notice issued by USCIS since July 6, 2006, and any documentation that was submitted in support of the claimed cap exemption. Furthermore, USCIS suggests that petitioners include a statement attesting that their organization was approved as cap-exempt since June 6, 2006.

Can the spouse of an H-1B nonimmigrant work?

Effective May 26, 2015, H-4 spouses of certain H-1B nonimmigrants who are in the process of seeking employment-based lawful permanent resident (LPR) status are eligible to apply for work authorization (EAD).

An H-4 nonimmigrant spouse can apply for work authorization if his/her **H-1B spouse**:

- Is the beneficiary of an approved Form I-140, Immigrant Petition for Alien Worker; or
- Received an H-1B extension under sections 106(a) and (b) of the American Competitiveness in the Twenty-first Century Act of 2000 as amended by the 21st Century Department of Justice Appropriations Authorization Act (known as AC21). This means that the H-1B principal must have received an extension of his or her H-1B status because:
    - He/she is the beneficiary of a labor certification application filed with the Department of Labor 365 days prior to the end of the H-1B's sixth year (preference category requires a labor certification) and the labor certification application is either still pending or was approved and timely filed with Form I-140; **OR**
    - He/she is the beneficiary of a form I-140 that was filed 365 days prior to the end of the H-1B's sixth year (preference category does not require a labor certification or the labor certification can be waived) and Form I-140 is still pending.

To apply the dependent spouse must file Form I-765, Application for Employment Authorization, with supporting evidence and the required fee.

The expiration date on the EAD will likely be the same date as the expiration date on the H-4's most recent Form I-94 indicating his/her H-4 nonimmigrant status.

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Chapter 1	Information about Temporary Employment of Nonimmigrant Workers and Extending or Changing a Worker's Status
Unit 1	How to temporarily employ a foreign national who is living abroad or get information about a specific employment-based nonimmigrant visa category
	H-2A Temporary Agricultural Workers

OVERVIEW

The purpose of the H-2A nonimmigrant visa category is to afford U.S. employers the ability to bring workers to the U.S. temporarily to perform agricultural labor or agricultural services of a temporary or seasonal nature. Laborers in this visa category, or status, fall under three basic occupations:

- Farm workers;
- Orchard workers;
- Ranch hands.

What information are you seeking? (Please select one of the following options)

- Definitions
- Information about the Filing Process
- Information about the Period of Authorized Stay
- Information about a Change of Employers or Multiple Employers
- Information about Employer Responsibilities
- Information about Travel
- Other Questions

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Definitions

- What is the definition of "temporary nature"?
- What is the definition of "seasonal nature"?

Information about the Filing Process

- What is the list of countries whose nationals are eligible to participate in the H-2A program?
- How does an employer apply for an H-2A nonimmigrant employee?
- What kind of evidence or documents will a U.S. employer need to file with an Application for Temporary Employment Certification (ETA Form 9142)?
- Can a U.S. employer include more than one worker on the Application for Temporary Employment Certification (ETA Form 9142)?
- What kind of evidence or documents will a U.S. employer need to file with Form I-129 for an H-2A nonimmigrant?
- Can a U.S. employer petition for more than one worker on the Petition for Nonimmigrant Worker (Form I-129)?
- Do the Form I-129 filing procedures for multiple workers differ from those for one worker?
- Must the name of all workers be included on Form I-129?
- Is there a numerical limitation on the number of workers an employer can petition for on a single Form I-129?
- Can an employer substitute beneficiaries on Form I-129?
- What is the filing fee for the Application for Temporary Employment Certification (ETA Form 9142)?
- What is the filing fee for Form I-129?
- Does the employer have to pay an additional fee for an I-129 blanket petition?
- How can an employer expedite Form I-129?
- Where do I file Form I-129?
- How can a nonimmigrant bring his/her family to the U.S. or change the status of family members already in the U.S.?
- Can a foreign employer apply for an H-2A to work in the U.S.?
- Who can file a petition for an H-2A worker?

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Information about the Period of Authorized Stay

- How long can a nonimmigrant stay in H-2A status?
- Do H-2A nonimmigrants have a grace period to leave the U.S. after the expiration of their stay?

Information about a Change of Employers or Multiple Employers

- Can a nonimmigrant change employers?
- Can a nonimmigrant work for more than one employer?
- When can the nonimmigrant employee begin to work for the new employer?

Information about Employer Responsibilities

- What is an employer liable for once an H-2A nonimmigrant is in their employ?
- How can an employer cancel a nonimmigrant visa or status?
- What are the notification requirements for H2A employers?
- What are the fees that are prohibited from being paid by H-2A employees?

Information about Travel

- Can a nonimmigrant travel outside the U.S. and then reenter?

Other Questions

- Can an H-2A nonimmigrant intend to immigrate permanently to the U.S.?
- What is the period of time that H-2A nonimmigrants must remain outside the U.S. after completing the 3-year maximum stay before they can renew their H-2A status?
- Can an H-2A only work full-time?
- What is VIBE?

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What is the list of countries whose nationals are eligible to participate in the H-2A program?

Effective January 18, 2016, workers from the following countries can be the beneficiaries of an approved H-2A petition and may participate in the H-2A visa program:

Andorra; Argentina; Australia; Austria; Barbados; Belgium; Belize; Brazil; Brunei; Bulgaria; Canada; Chile; Colombia; Costa Rica; Croatia; Czech Republic; Denmark; Dominican Republic; Ecuador; El Salvador; Estonia; Ethiopia; Fiji; Finland; France; Germany; Greece; Grenada; Guatemala; Haiti; Honduras; Hungary; Iceland; Ireland; Israel; Italy; Jamaica; Japan; Kiribati; Latvia; Lichtenstein; Lithuania; Luxembourg; Macedonia; Madagascar; Malta; Mexico; Moldova; Monaco; Montenegro; Nauru; The Netherlands; Nicaragua; New Zealand; Norway; Panama; Papua New Guinea; Peru; Philippines; Poland; Portugal; Romania; Samoa; San Marino; Serbia; Singapore; Slovakia; Slovenia; Solomon Islands; South Africa; South Korea; Spain; Sweden; Switzerland; Taiwan; Thailand; Timor-Leste; Tonga; Turkey; Tuvalu; Ukraine; United Kingdom; Uruguay; and Vanuatu.

What kind of evidence or documents will a U.S. employer need to file with Form I-129 for an H-2A nonimmigrant?

A U.S. employer who wants to file a petition for H-2A, as required by regulations should initially file the petition with either:

- An original notice from such authority that such certification cannot be made, along with evidence of the unavailability of U.S. workers and of the prevailing wage rate for the occupation in the U.S, and evidence overcoming each reason why the certification was not granted; and

- Copies of evidence, such as employment letters and training certificates, that each named person meets the minimum job requirements stated in the certification.

Can an H-2A employer petition for more than one worker on the Petition for Nonimmigrant Worker (Form I-129)?

Yes. Effective January 17, 2009, an H-2A employer is permitted to file a Form I-129 with USCIS when petitioning for multiple H-2A beneficiaries from multiple countries. It is no longer necessary for multiple beneficiaries to obtain visas at the same consulate or enter at the same port of entry.

Must the name of all workers be included on Form I-129?

No. Effective January 17, 2009, if an employer wishes to petition for multiple beneficiaries, some of whom are in the U.S. and some of whom are outside the U.S., the employer must name the beneficiaries who are in the U.S., and only provide the number of beneficiaries who are outside the U.S. This applies regardless of the number of beneficiaries on the petition or whether the temporary labor certification named beneficiaries.

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Can an employer substitute beneficiaries on a Form I-129?

Effective January 17, 2009, an employer may substitute beneficiaries where H-2A workers failed to show up at the worksite or absconded, provided that the employer has complied with the new notification requirements. The petitioner may file an H-2A petition using a copy of the previously approved temporary labor certification to replace a worker where: (a) the worker's employment was terminated early (before the end date stated on the H-2A petition and before the completion of work); (b) the worker fails to report to work within 5 work days of the employment start date on the previous petition or within 5 work days of the start date established by the employer, whichever is later; or (c) the worker absconds from the worksite.

What is the definition of "temporary nature"?

Employment of a "temporary nature" is when the employer needs to hire a temporary worker for a position that will, except in extraordinary circumstances, last no longer than one year.

What is the definition of "seasonal nature"?

Employment of "seasonal nature" is defined as work that is associated with a certain time of year, event, or pattern, such as a short annual growing cycle or a specific aspect of a longer cycle, requiring labor levels far above those necessary for ongoing operations.

Can an H-2A nonimmigrant change employers?

Effective January 17, 2009, an H-2A worker may continue to be employment authorized while awaiting an extension of H-2A status based on a petition filed by a new employer accompanied by an approved labor certification. Specifically, where an application for an extension of stay is filed during the worker's period of admission, the worker is authorized to be employed by the new petitioning employer for a period not to exceed 120 days. The 120-day period begins on the "Received Date" listed on the notice that USCIS sends acknowledging receipt of the application for extension of stay (Form I-797, Notice of Action). There is one condition on this temporary employment authorization: the new employer must be a registered user in good standing with USCIS' E-Verify program. If the new employer is not registered with E-Verify, the worker would not be authorized to work until USCIS grants the extension of stay application.

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What are the notification requirements for H2A employers?

Effective January 17, 2009, H-2A petitioners are required to provide notification to USCIS within 2 work days in the following instances:

- When an H-2A worker fails to report to work within 5 work days of the employment start date on the petition or within 5 work days of the start date established by the petitioner, whichever is later;
- When the labor or services for which the H-2A workers were hired is completed more than 30 days early; or
- When the H-2A worker absconds from the worksite or is terminated prior to the completion of labor or services for which he or she was hired.

The notification should include the following:

- The reason for the notification;
- The reason for late notification, if applicable;
- The USCIS receipt number of the approved petition;
- The petitioner's name, address, telephone number, and employer identification number;
- The employer's name, address, and telephone number, if different from that of petitioner;
- The name of the worker in question;
- The date and place of birth of the worker in question; and
- The last known physical address and telephone number of the worker in question.

In the case of unnamed beneficiaries, USCIS only requires the petitioner to supply the number of workers who failed to report to work instead of their names, dates and places of birth. Petitioners should retain evidence of the notification filed for a one-year period.

Notification can be made by email to: CSC-X.H-2AAbs@uscis.dhs.gov.
Notification can be by mail to: California Service Center, Attn: Div X/BCU ACD, P.O. Box 30050, Laguna Niguel, CA 92607-3004.

Can an H-2A nonimmigrant only work full-time?

The hours and work schedule of the worker may vary. Most agricultural employees are paid on an hourly or at a piece rate.

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How long can a nonimmigrant stay in H-2A status?

H-2A workers are initially admitted for the time approved on the Labor Certification, with a maximum time of 1 year. H-2A status may be extended beyond this in 12-month increments for a maximum period of stay of three years.

Do H-2A nonimmigrants have a grace period to leave the U.S. after the expiration of their stay?

Yes. Effective January 17, 2009, the grace period has been extended to 30 days following the expiration of the H-2A petition. This grace period is to provide the worker enough time to prepare for departure or apply for an extension of stay based on a subsequent offer of employment.

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What are the fees that are prohibited from being paid by H-2A employees?

To protect H-2A workers, USCIS may deny or revoke any petition if it determines (1) that the petition beneficiary has paid or has agreed to pay any fee or other form of compensation, whether directly or indirectly, to the petitioner, or (2) that the petitioning employer is aware or reasonably should be aware that the beneficiary has paid or agreed to pay any facilitator or recruiter, or similar employment service, in connection with obtaining the H-2A employment. Prohibited fees do not include the fair market value of costs of transportation to the U.S. or fees required by a foreign government such as for the issuance of passports or visas. USCIS will not revoke the petition if the petitioner provides evidence that the beneficiary has been reimbursed in full for any prohibited fees paid.

- Petitioners who become aware of the payment of prohibited fees paid by beneficiaries should notify USCIS and include the following information:
- The USCIS receipt number of the petition;
- The petitioner's name, address, and telephone number;
- The employer's name, address, and telephone number, if different from that of petitioner;
- Name and address of the facilitator, recruiter, or placement service to which beneficiary paid or agreed to pay the prohibited fees.

Notification can be made by email to: CSC.H2AFee@uscis.dhs.gov.
Notification can be made by mail to: California Service Center, P.O. Box 10695, Laguna Niguel, CA 92607-1095.

What is the period of time that H-2A nonimmigrants must remain outside the U.S. after completing the 3-year maximum stay before they can renew their status?

Effective January 17, 2009, once an H-2A worker has reached the maximum 3-year limit on H-2A status, he or she is required to wait 3 months outside the U.S. before seeking H-2A status again.

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Who can file a petition for an H-2A worker?

The following are the only entities that can file Form I-129 with USCIS as H-2A petitioners:

- The employer listed on the approved Department of Labor Temporary Employment Certification (ETA Form 9142);
- The association of U.S. agricultural producers named as a joint employer on ETA Form 9142; OR
- An agent-petitioner who meets the following requirements:

A United States agent may be:

- The actual employer of the beneficiary
- The representative of both the employer and the beneficiary (the term representative does not mean "legal representative)
- A person or entity authorized by the employer to act for, or in the place of, the employer as his or her agent.

A United States agent can only file an H-2A petition in cases:

- Involving workers who are traditionally self-employed
- Involving workers who use agents to arrange short-term employment on their behalf with numerous employers; or
- Where a foreign employer authorizes the agent to act on his or her behalf.

For more information about who can file for an H-2A worker, please see our June 2011 Questions and Answers on our website at www.uscis.gov under the "News" link.

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Chapter 1	Information about Temporary Employment of Nonimmigrant Workers and Extending or Changing a Worker's Status
Unit 1	How to temporarily employ a foreign national who is living abroad or get information about a specific employment-based nonimmigrant visa category
	H-2B Skilled or Unskilled Workers

OVERVIEW

The purpose of the H-2B nonimmigrant visa category is to afford U.S. employers the ability to bring skilled or unskilled workers from foreign countries to temporarily engage in non-agricultural employment in the United States based on four basic types of temporary need:

- Seasonal
- Peak-load
- Intermittent
- One-time occurrence

Effective January 18, 2009, USCIS made changes to the H-2B nonimmigrant category petition process. These changes were made to ensure the integrity of the process and to better serve both the employers and the employees.

What information are you seeking? (Please select one of the following options)

- Definitions
- Information about the Filing Process
- Information about the Period of Authorized Stay
- Information about a Change of Employers or Multiple Employers
- Information about Employer Responsibilities
- Information about Travel
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- What is the definition of "seasonal need"?
- What is the definition of "peak-load need"?
- What is the definition of "intermittent need"?
- What is the definition of "one time occurrence"?

Information about the Filing Process

- What is the list of countries whose nationals are eligible to participate in the H-2B program?
- How does an employer apply for an H-2B nonimmigrant employee?
- Must the employment start date on the H-2B petition match the start date on the labor certification?
- What kind of evidence or documents will a U.S. employer need to file with the Application for Temporary Employment Certification (ETA Form 9142)?
- Can an employer include more than one worker on the Application for Temporary Employment Certification (ETA Form 9142)?
- What kind of evidence or documents will a U.S. employer need to file with Form I-129?
- Can an employer petition for more than one worker on the Petition for Nonimmigrant Worker (I-129)?
- Do the Form I-129 filing procedures for multiple workers differ from those for one worker?
- Must the names of all workers be included on Form I-129?
- Is there a numerical limitation on the number of workers an employer can petition for on a single Form I-129?
- Can an employer substitute beneficiaries on Form I-129?
- What is the filing fee for the Application for Temporary Employment Certification (ETA Form 9142)?
- What is the filing fee for Form I-129?
- Does the employer have to pay an additional fee for an I-129 blanket petition?
- How can an employer expedite Form I-129?
- Where does an employer file Form I-129?
- How can a nonimmigrant bring their family to the U.S. or change the status of family members already in the U.S.?
- Can a foreign employer apply for an H-2B nonimmigrant to work in the U.S.?

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- How long can a nonimmigrant stay in H-2B status?

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- Can a nonimmigrant change employers?
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- When can the nonimmigrant begin to work for the new employer?
- Can an H-2B nonimmigrant only work full-time?

Information about Employer Responsibilities

- What is an employer liable for once an H-2B is in their employ?
- How can an employer cancel a nonimmigrant visa or status?
- What are the notification requirements for H-2B employers?
- What are the fees that are prohibited from being paid by H-2B employees?

Information about Travel

- Can a nonimmigrant travel outside the U.S. and then reenter?

Other Questions

- What is the period of time that H-2B nonimmigrants must remain outside the U.S. before they can renew their H-2B status?
- Can an H-2B nonimmigrant intend to immigrate permanently to the U.S.?
- Is there an annual limit on the number of H-2B nonimmigrants?
- What is VIBE?

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What is the list of countries whose nationals are eligible to participate in the H-2B program?

Effective January 18, 2016, workers from the following countries can be the beneficiaries of an approved H-2B petition and may participate in the H-2B visa program:

Andorra; Argentina; Australia; Austria; Barbados; Belgium; Belize; Brazil; Brunei; Bulgaria; Canada; Chile; Colombia; Costa Rica; Croatia; Czech Republic; Denmark; Dominican Republic; Ecuador; El Salvador; Estonia; Ethiopia; Fiji; Finland; France; Germany; Greece; Grenada; Guatemala; Haiti; Honduras; Hungary; Iceland; Ireland; Israel; Italy; Jamaica; Japan; Kiribati; Latvia; Lichtenstein; Lithuania; Luxembourg; Macedonia; Madagascar; Malta; Mexico; Monaco; Montenegro; Nauru; The Netherlands; Nicaragua; New Zealand; Norway; Panama; Papua New Guinea; Peru; Philippines; Poland; Portugal; Romania; Samoa; San Marino; Serbia; Singapore; Slovakia; Slovenia; Solomon Islands; South Africa; South Korea; Spain; Sweden; Switzerland; Taiwan; Thailand; Timor-Leste; Tonga; Turkey; Tuvalu; Ukraine; United Kingdom; Uruguay; and Vanuatu.

Must the employment start date on the H-2B petition match the start date on the labor certification?

Yes. Effective for petitions filed for employment for the first half of Fiscal Year 2010, an H-2B petition must have an employment start date that is the same as the date of employment need stated on the approved temporary labor certification. Therefore, an employer may not file, and USCIS may not approve, an H-2B petition more than 120 days before the date of the employer's actual need for the beneficiary's services, as identified on the temporary labor certification.

Note: There is one exception to the above: when an amended petition, accompanied by the previously approved labor certification and a copy of the original petition approval notice, is filed at a later date due to the unavailability of the originally requested number of workers. The amended petition may state an employment start date that is later than what is stated in the labor certification.

What kind of evidence or documents will a U.S. employer need to file with the Petition for a Nonimmigrant Worker (I-129)?

A U.S. employer who wants to file an H-2B petition, as required by regulations, should initially file the petition with either:

- An original single valid temporary labor certification from the Department of Labor (or the Governor of Guam if the proposed employment is solely in Guam), indicating that qualified U.S. worker(s) are not available and that employment of the nonimmigrant will not adversely affect the wages and working conditions of similarly employed U.S. workers; or
- An original notice from such authority that such certification cannot be made, along with evidence of the unavailability of U.S. workers and of the prevailing wage rate for the occupation in the U.S, and evidence overcoming each reason why the certification was not granted; and copies of evidence, such as employment letters and training certificates, that each named person meets the minimum job requirements stated in the certification.

Must the names of all workers be included on Form I-129?

No. Effective January 18, 2009, H2B petitioners may specify only the number of positions sought without naming individual H-2B workers, unless the workers are already in the U.S.

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What are the notification requirements for H-2B employers?

Effective January 18, 2009, H-2B petitioners are required to provide notification to USCIS within 2 work days in the following instances:

- When an H-2B worker fails to report to work within 5 work days of the employment start date on the petition;
- When the labor or services for which the H-2B workers were hired is completed more than 30 days early; or
- When the H-2B worker absconds from the worksite or is terminated prior to the completion of labor or services for which he or she was hired.

The notification should include the following:

- The reason for the notification;
- The reason for late notification, if applicable;
- The USCIS receipt number of the approved petition;
- The petitioner's name, address, telephone number, and employer identification number;
- The employer's name, address, and telephone number, if different from that of petitioner;
- The name of the worker in question;
- The date and place of birth of the worker in question; and
- The last known physical address and telephone number of the worker in question.

In the case of unnamed beneficiaries, USCIS only requires the petitioner to supply the number of workers who failed to report to work instead of their names, dates and places of birth. Petitioners should retain evidence of the notification filed for a one-year period.

If the petition was approved by the California Service Center, the notification should be sent:

By email to: CSC-X.H-2BAbs@uscis.dhs.gov.

By mail to: California Service Center, Attn: Div X/BCU ACD, P.O. Box 30050, Laguna Niguel, CA 92607-3004.

If the petition was approved by the Vermont Service Center, the notification should be sent:

By email to: VSC.H2BABS@uscis.dhs.gov.

By mail to: Vermont Service Center, Attn: BCU ACD, 63 Lower Welden Street, St. Albans, VT 05479

Back to: H-2B Skilled or Unskilled Workers Foreign National Living Abroad Hiring a Foreign National Main Menu

What are the fees that are prohibited from being paid by H-2B employees?

To protect H-2B workers, USCIS may deny or revoke any petition if it determines (1) that the petition beneficiary has paid or has agreed to pay any fee or other form of compensation, whether directly or indirectly, to the petitioner, or (2) that the petitioning employer is aware or reasonably should be aware that the beneficiary has paid or agreed to pay any facilitator or recruiter, or similar employment service, in connection with obtaining the H-2B employment. Prohibited fees do not include the fair market value of costs of transportation to the U.S. or fees required by a foreign government such as for the issuance of passports or visas. USCIS will not revoke the petition if the petitioner provides evidence that the beneficiary has been reimbursed in full for any prohibited fees paid.

- Petitioners who become aware of the payment of prohibited fees paid by beneficiaries should notify USCIS and include the following information:
- The USCIS receipt number of the petition;
- The petitioner's name, address, and telephone number;
- The employer's name, address, and telephone number, if different from that of petitioner;
- Name and address of the facilitator, recruiter, or placement service to which beneficiary paid or agreed to pay the prohibited fees.

If the petition was approved by the California Service Center, the notification should be sent:
By email to: CSC.H2BFee@uscis.dhs.gov.
By mail to: California Service Center, Attn: H2BFee, P.O. Box 10695, Laguna Niguel, CA 92607-1095.

If the petition was approved by the Vermont Service Center, the notification should be sent:
By email to: VSC.H2BPROPLACEMENT@uscis.dhs.gov.
By mail to: Vermont Service Center, Attn: BCU ACD, 75 Lower Welden Street, St. Albans, VT 05479

What is the definition of "seasonal need"?

"Seasonal need" means services that are traditionally connected to a particular time of year because of a recurring event or pattern. Examples of seasonal need include workers engaged in landscaping or employed at fisheries.

What is the definition of "peak-load need"?

Peak-load need means that an employer regularly employs permanent workers to perform the services needed, but has a temporary need for additional staff because of an increase in short-term demand. Another characteristic of peak-load need is that the temporary additions to the staff will not become part of the petitioner's regular operations.

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What is the definition of "intermittent need"?

Intermittent need means that an employer has an occasional need for workers, from time to time, but not on a regular basis.

What is the definition of "one time occurrence"?

One-time occurrence means that an employer has not previously employed workers to fill the position, and that it will not need such services in the future. Rather, there must be a temporary event of short duration. Examples of one-time occurrences are commercial remodeling projects or special events such as international conferences or sporting events.

How long can a nonimmigrant stay in H-2B status?

H-2B workers are initially admitted for the time on the Labor Certification, with a maximum of 1 year. H-2B status may be extended in 12-month increments for a total maximum stay of three years.

What is the period of time that H-2B nonimmigrants must remain outside the U.S. before they can renew their status?

Effective January 18, 2009, once an H-2B worker has reached the maximum 3 year limit on H-2B status, he or she is required to wait 3 months outside the U.S. before seeking H-2B status again.

Can an employer substitute beneficiaries on a Form I-129?

Effective January 18, 2009, beneficiaries in H-2B petitions that are approved and who have not been admitted may be substituted only if the employer can show that the total number of beneficiaries will not exceed the number of beneficiaries certified in the original labor certification. Beneficiaries who have been admitted may not be substituted without a new petition accompanied by a newly approved labor certification.

To substitute beneficiaries who were previously approved for consular processing but have not been admitted with workers who are outside the U.S., the petitioner should send a letter and a copy of the petition approval notice to the consular office where the beneficiary will apply for a visa or to the port of entry where the beneficiary will apply for admission. The petitioner should also submit the beneficiary's qualifications, if applicable.

To substitute beneficiaries who were previously approved for consular processing but who have not been admitted with workers who are currently in the U.S., the petitioner should file an amended petition with fees at the Service Center where the original petition was filed, with a copy of the original petition approval notice, a statement explaining why the substitution is necessary, evidence of the qualifications of beneficiaries, if applicable, evidence of the beneficiaries' current status in the U.S. and evidence that the number of beneficiaries will not exceed the number allocated on the approved labor certification, such as employment records to show that the number of visas sought in the amended petition were not already issued. The amended petition must be for the same period of employment as the original petition. Otherwise, a new labor certification and subsequent petition would be required.

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Is there an annual limit on the number of H-2B non-immigrants?

Yes. The current law limits the number of nonimmigrants who may be issued an H-2B visa to 66,000 per fiscal year, with 33,000 to be allocated for employment beginning in the 1st half of the fiscal year (October 1 - March 31) and 33,000 to be allocated for employment beginning in the 2nd half of the fiscal year (April 1 - September 30). USCIS regulations allow for filings 6 months in advance. However, H-2B petitioners must first obtain a temporary labor certification from the Department of Labor (DOL). DOL regulations state that the application for temporary labor certification may not be filed more than 120 days in advance of the need for the employee. Thus, USCIS normally begins receiving H-2B petitions with employment start dates in October in June and with employment start dates in April in December.

On June 5, 2015, USCIS announced that it reopened the annual H-2B cap for the second half of Fiscal Year 2015. USCIS has now received a sufficient number of petitions to reach the H-2B cap for the second half of FY 2015. June 11, 2015 was the final receipt date for new H-2B petitions requesting an employment start date before October 1, 2015. The final receipt date is the date when USCIS received enough cap-subject petitions to reach the statutory limit of 66,000 H-2B workers for FY 2015.

As of June 3, 2015 USCIS is also accepting cap-subject petitions for FY 2016.

For additional information about the annual cap, see our website at www.uscis.gov/h-2b_count.

Exemptions to the annual cap:

- H-2B workers in the United States or abroad who have previously been counted towards the cap in the previous three years;
- Current H-2B workers seeking an extension of stay;
- Current H-2B workers seeking a change of employer or terms of employment;
- H-2B workers who are employed as fish roe processors, fish roe technicians, or as supervisors of fish roe processing.
- H-2B workers who are admitted to perform labor and services in the Commonwealth of the Northern Mariana Islands (CNMI) and Guam are exempt from the annual cap from November 28, 2009 to December 31, 2019.

Can an H-2B nonimmigrant only work full-time?

Yes. An H-2B worker can only work full-time; their work must not be part-time. Full-time is defined to be at least 35 hours per week.

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Chapter 1	Information about Temporary Employment of Nonimmigrant Workers and Extending or Changing a Worker's Status
Unit 1	How to temporarily employ a foreign national who is living abroad or get information about a specific employment-based nonimmigrant visa category
	H-3 Trainee or Special Education Exchange Visitor

OVERVIEW

The purpose of the H-3 visa is to allow individuals temporarily to come to the U.S. to receive training that is not available in the beneficiary's home country, or to be a participant in a special education exchange program. The training provided to an H-3 cannot be for graduate medical education/training or for the purpose of providing employment in the U.S.

What information are you seeking? (Please select one of the following options)

- Information about the Filing Process
- Information about the Period of Authorized Stay
- Information about a Change of Employers or Multiple Employers
- Information about Employer Responsibilities
- Information about Travel
- Other Questions

Back to: H-3 Trainee or Special Education Exchange Visitor Foreign National Living Abroad Hiring a Foreign National Main Menu

Information about the Filing Process

- How can a petitioner apply for an H-3 Trainee or Special Education Exchange Visitor?
- What initial criteria must a training program for an H-3 Trainee meet to be considered a valid training program for the purposes of the H-3 visa?
- What initial criteria must a facility petitioning for an H-3 Special Education Exchange Visitor meet in order to petition for an H-3 visa or status?
- What initial requirements must an H-3 Special Education Exchange Visitor meet in order to be accorded that status?
- What kind of initial documentary evidence must the petitioner file for an H-3 Trainee?
- What kind of initial documentary evidence must the petitioner file for an H-3 Special Education Exchange Visitor?
- Can a petitioner file for more than one H-3 on the same petition?
- What is the filing fee for Form I-129?
- How can a petitioner expedite Form I-129?
- Where does the petitioner file Form I-129?
- How can a nonimmigrant bring their family to the U.S. or change the status of family members already in the U.S.?
- Can a foreign petitioner apply for an H-3 nonimmigrant?

Information about the Period of Authorized Stay

- How long can a nonimmigrant stay in H-3 Trainee status?
- How long can a nonimmigrant stay in H-3 Special Education Exchange Visitor status?

Information about a Change of Employers or Multiple Employers

- Can an H-3 nonimmigrant change petitioners?
- Can an H-3 nonimmigrant train with different petitioners?

Information about Employer Responsibilities

- What is a petitioner held liable for once an H-3 nonimmigrant is in their organization or company?
- How can a petitioner cancel an H-3 visa or status?

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Information about Travel

- Can a nonimmigrant travel outside the U.S. and then reenter?

Other Questions

- Can H-3 nonimmigrant work after completion of their training?
- Must an H-3 Trainee be in training at all times?
- Can an H-3 nonimmigrant intend to immigrate permanently to the U.S.?
- What is VIBE?

Back to: H-3 Trainee or Special Education Exchange Visitor Foreign National Living Abroad Hiring a Foreign National Main Menu

What initial criteria must a training program for an H-3 Trainee meet to be considered a valid training program for the purposes of the H-3 visa?

A training program may be approved which:

- Has a fixed schedule, objectives, or means of evaluation;
- Is compatible with the nature of the petitioner's business or enterprise;
- Is not on behalf of a beneficiary who already possesses substantial training and expertise in the proposed field of training;
- Is in a field in which it is likely that the knowledge or skill will be used outside the United States;
- Will result in productive employment that is incidental and necessary to the training; and
- Establishes that the petitioner has the physical plant and sufficiently trained manpower to provide the training specified.

What initial criteria must a facility petitioning for an H-3 Special Education Exchange Visitor meet in order to petition for an H-3 visa or status?

The facility must have professionally trained staff and a structured program for providing education to children with disabilities, and for providing training and hands-on experience to participants in the special education exchange visitor program.

Can an H-3 nonimmigrant work after completion of the training?

No. An H-3 nonimmigrant is required to return to his/her country after completion of the training. An H-3 may only engage in employment as an intern during his/her training or if the employment is incidental and necessary to the training.

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What initial requirements must an H-3 Special Education Exchange Visitor meet in order to be accorded that status?

- The beneficiary (H-3) must have a foreign residence to which he or she will return.
- The training in question must not be available in the beneficiary's home country.
- The H-3 beneficiary must not be placed in an employment position that is regularly filled by a citizen or lawful permanent resident.
- The individual must be nearing completion of a baccalaureate or higher degree in special education, or already hold such a degree, or have extensive prior training and experience in teaching children with physical, mental, or emotional disabilities.

What kind of initial documentary evidence must the petitioner file for an H-3 Trainee?

The petitioner must include the following initial evidence when filing the I-129:

- A detailed description of the structured training program, including the number of classroom hours per week and the number of hours of on-the-job training per week;
- A summary of the prior training and experience of each individual in the petition; and
- An explanation of why the training is required, whether similar training is available in the alien's country, how the training will benefit the alien in pursuing a career abroad, and why you will incur the cost of providing the training without significant productive labor.

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What kind of initial documentary evidence must the petitioner file for an H-3 Special Education Exchange Visitor?

The petitioner must include the following initial evidence when filing the I-129:

- A description of the training, staff and facilities, evidence the program meets the required conditions, and details of the individual's participation in the program; and
- Evidence the alien is nearing completion of a baccalaureate or higher degree in special education, or already holds such a degree, or has extensive prior training and experience in teaching children with physical, mental, or emotional disabilities.

Can a petitioner file for more than one H-3 on the same petition?

Yes. A blanket petition may be filed if the beneficiaries will be receiving the same training, for the same period of time, and in the same location.

How long can a nonimmigrant stay in H-3 Trainee status?

An H-3 Trainee is admitted to the United States for the validity period of the petition, plus a period of up to 10 days before the validity period begins and 10 days after the validity period ends. The maximum period of stay for an H-3 Trainee is 24 months.

How long can a nonimmigrant stay in H-3 Special Education Exchange Visitor status?

The maximum period of stay in the United States for an H-3 Special Education Exchange Visitor is 18 months.

Must an H-3 Trainee be in training at all times?

Yes. An H-3 must be in training for the duration of the program.

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Chapter 1	Information about Temporary Employment of Nonimmigrant Workers and Extending or Changing a Worker's Status
Unit 1	How to temporarily employ a foreign national who is living abroad or get information about a specific employment-based nonimmigrant visa category
	O Aliens with Extraordinary Ability and Support Personnel

OVERVIEW

The primary purpose of the O-1 nonimmigrant visa category is to temporarily allow aliens with extraordinary ability in certain fields or extraordinary achievement in a particular industry to work in the United States. In addition, the O-2 nonimmigrant visa category allows aliens accompanying an O-1 with extraordinary ability, to assist in a specific event or performance in the United States.

Aliens who have an O-1 visa and are seeking entry into the U.S. must have extraordinary ability in one the following fields in order to qualify for an O-1:

- Arts,
- Sciences,
- Education,
- Business, or
- Athletics

Or they must have extraordinary achievement in one or both of the following industries:

- Motion pictures, or
- Television

What information are you seeking? (Please select one of the following options)

- Definitions
- Information about the Filing Process
- Information about the Period of Authorized Stay
- Information about a Change of Employers or Multiple Employers
- Information about Employer Responsibilities
- Information about Travel
- Other Questions

Back to: O Aliens with Extraordinary Ability and Support Personnel Foreign National Living Abroad Hiring a Foreign National Main Menu

Definitions

- What is the definition of "extraordinary ability in the field of arts"?
- What is the definition of "extraordinary ability in the field of science, education, business, or athletics"?
- What is the definition of "extraordinary achievement in the motion picture and television industries" mean?
- What is considered a "peer group"?

Information about the Filing Process

- How does an employer apply for an O nonimmigrant employee?
- Who can petition for an O?
- What kind of evidence or documents will a U.S. employer need to file with Form I-129 for an O-1 nonimmigrant?
- What kind of evidence or documents will a U.S. employer need to file with Form I-129 for an O-2 nonimmigrant?
- From whom can a consultation or written advisory opinion be obtained?
- What is the filing fee for Form I-129?
- How can an employer expedite Form I-129?
- Where does the employer file Form I-129?
- How do I fill out Part 6 of Form I-129?
- Can one petition be filed for an O-1 and O-2?
- Does the employer have to file the petition for the O-2 in conjunction with the O-1?
- How can a nonimmigrant bring his family to the U.S. or change the status of family members already in the U.S.?

Information about the Period of Authorized Stay

- How long can a nonimmigrant stay in O status?

Information about a Change of Employers or Multiple Employers

- Can a nonimmigrant change employers?
- Can a nonimmigrant work for more than one employer?
- When can the nonimmigrant begin to work for the new employer?

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Information about Employer Responsibilities

- What is an employer liable for once an O nonimmigrant is in their employ?
- How can an employer cancel an O visa or status?

Information about Travel

- Can a nonimmigrant travel outside the U.S. and then reenter?

Other Questions

- Can an O nonimmigrant intend to immigrate permanently to the U.S.?

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Who can petition for an O?

The petition must be filed by a U.S. employer or a U.S. agent representing a U.S. employer or foreign employer. That is, the foreign national cannot self-petition for O status, and a foreign employer cannot petition for the status without a U.S. agent. A U.S. agent may file a petition for (1) workers who are traditionally self-employed, (2) workers who traditionally use agents to arrange short-term employment, and (3) foreign employers who have authorized the agent to act on their behalf. The agent may be the employer of the beneficiary, a representative of both the employer and the beneficiary, or a person or entity authorized by the employer to act for, or in the place of, the employer as its agent.

A petition filed by an agent is subject to the following conditions:

- Agents who also function as employers must provide a copy of the contractual agreement between the agent and the worker that specifies the wage offered and the other terms and conditions of employment.
- Agents may file petitions involving multiple employers as the representative of the employers and beneficiary if s/he includes the itinerary and the contract. A complete itinerary of the event or events must specify the dates of each service or engagement, the names and addresses of the actual employers, and the names and addresses of the establishments, venues, or locations where the services will be performed. The contract between each employer and the beneficiary must also be provided. The contract should specify the wage offered and explain the terms and conditions of employment.
- Agents acting on behalf of foreign employers are also responsible for complying with all conditions relating to employer sanctions provisions, such as Form I-9 compliance.

What is the definition of “extraordinary ability in the field of arts”?

Extraordinary ability in the field of arts means having achieved distinction - a high level of achievement in the field of arts.

What is the definition of “extraordinary ability in the field of science, education, business, or athletics”?

Extraordinary ability in the field of science, education, business, or athletics means a level of expertise indicating that the person is one of a small percentage who have risen to the very top of the field of endeavor.

What is the definition of “extraordinary achievement in the motion picture and television industries”?

Extraordinary achievement in the motion picture and television industries means a very high level of accomplishment in the motion picture or television industry.

What is considered a “peer group”?

Peer group is a group or organization comprised of practitioners of the alien's occupation.

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What kind of evidence or documents will a U.S. employer need to file with Form I-129 for an O-1 nonimmigrant?

The following tables indicate the documentary evidence that regulations require an employer to initially file with the I-129.

If an employer files an I-129 based on an O-1:	Then the employer will need the following supporting evidence:
With extraordinary ability in the sciences, education, business, or athletics	A written advisory opinion from a peer group (including labor organizations) or a person designated by the group with expertise in the alien's area of ability; A copy of any written contract between the employer and the alien or a summary of the terms of the oral agreement under which the alien will be employed; Evidence that the alien has received a major, internationally-recognized award, such as a Nobel Prize, or evidence of at least three of the following: • Receipt of nationally or internationally recognized prizes or awards for excellence in the field of endeavor; • Membership in associations in the field for which classification is sought that require outstanding achievements as judged by recognized international experts; • Published material in professional or major trade publications, newspapers or other major media about the alien and his work in the field for which classification is sought; • Original scientific, scholarly, or business-related contributions of major significance in the field; • Authorship of scholarly articles in professional journals or other major media in the field for which classification is sought; • A high salary or other remuneration for services as evidenced by contracts or other reliable evidence; • Participation on a panel, or individually, as a judge of the work of others in the same field or in a field of specialization allied to that field for which classification is sought; • Employment in a critical or essential capacity for organizations and establishments that have a distinguished reputation.

OR

(continued on next page)

If an employer files an I-129 based on an O-1:	Then the employer will need the following supporting evidence:
With extraordinary ability in the arts or extraordinary achievement in the motion picture or television industry	A written advisory opinion, describing the alien's ability as follows: • If the petition is based on the alien's extraordinary ability in the arts, the consultation must be from a peer group (including labor organizations) in the alien's field of endeavor; or a person or persons designated by the group with expertise in the alien's area of ability. • If the petition is based on the alien's extraordinary achievements in the motion picture or television industry, separate consultations are required from a labor and a management organization with expertise in the alien's field of endeavor. A copy of any written contract between the employer and the alien or a summary of the terms of the oral agreement under which the alien will be employed; Evidence the alien has received, or been nominated for, significant national or international awards or prizes in the particular field, such as an Academy Award, Emmy, Grammy or Director's Guild Award, or evidence of at least three of the following: • Performed or will perform services as a lead or starring participant in productions or events which have a distinguished reputation as evidenced by critical reviews, advertisements, publicity releases, publications, contracts or endorsements; • Achieved national or international recognition for achievements, as shown by critical reviews or other published materials by or about the individual in major newspapers, trade journals, magazines, or other publications; • Performed or will perform as a lead, starring or critical role for organizations and establishments that have a distinguished reputation as evidence by articles in newspapers, trade journals, publications or testimonials. • A record of major commercial or critically acclaimed successes, as shown by such indicators as title, rating or standing in the field, box office receipts, motion picture or television ratings and other occupational achievements reported in trade journals, major newspapers or other publications; • Received significant recognition for achievements from organizations, critics, government agencies or other recognized experts in the field in which the alien is engaged, with the testimonials clearly indicating the author's authority, expertise and knowledge of the alien's achievements; • A high salary or other substantial remuneration for services in relation to others in the field, as shown by contracts or other reliable evidence. If the above standards do not readily apply to the alien's occupation, the petitioner may submit comparable evidence.

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What kind of evidence or documents will a U.S. employer need to file with Form I-129 for an O-2 nonimmigrant?

The employer will need the following supporting evidence:

- A written advisory opinion based on one of the two conditions:
- If the O-2 petition is for an alien accompanying an O-1 alien of extraordinary ability in the arts, the opinion must be from a labor organization with expertise in the skill area involved.
- If the O-2 petition is for an alien accompanying an O-1 alien of extraordinary achievement in the field of motion picture or television, the opinion must be from a labor organization and a management organization with expertise in the skill area involved.
- Evidence of the current essentiality, critical skills, and experience of the O-2 alien with the O-1 alien, and that the alien has substantial experience utilizing the critical skills and essential support services for the O-1. In the case of a specific motion picture or television production, the evidence shall establish that significant production has taken place outside the U.S., and will take place inside the U.S., and that the continuing participation of the alien is essential to the successful completion of the production.

Can one petition be filed for an O-1 and O-2 nonimmigrant?

No. O-2 nonimmigrants must be filed for on a separate petition from the O-1 nonimmigrant.

Does the employer have to file the petition for the O-2 nonimmigrant in conjunction with the O-1 nonimmigrant?

Yes. An O-2 nonimmigrant must be petitioned for in conjunction with the services of the O-1 nonimmigrant; therefore, the O-1 petition and the O-2 petition must be filed concurrently.

How long can a nonimmigrant stay in O status?

An O nonimmigrant is normally admitted to the United States for a period of time necessary to accomplish the event or activity, not to exceed 3 years. The period of time is normally equal to the validity period of the petition. In addition, an O nonimmigrant may be admitted up to 10 days before the validity period begins and 10 days after the validity period ends. There is no maximum period of stay for an O nonimmigrant. An O nonimmigrant may remain in O status so long as the approved I-129 remains valid.

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Chapter 1	Information about Temporary Employment of Nonimmigrant Workers and Extending or Changing a Worker's Status
Unit 1	How to temporarily employ a foreign national who is living abroad or get information about a specific employment-based nonimmigrant visa category
	P-1 Internationally Recognized Athletes, or an Athletic Team, Members of an Entertainment Group, Certain Other Athletes and Entertainers, and Essential Support Personnel

OVERVIEW

The purpose of the P-1 visa classification is to allow individuals who are internationally recognized athletes, or an athletic team, members of an entertainment group, certain other athletes and entertainers, and the individuals who provide essential support to them, to temporarily enter the U.S. to practice their craft for a specific time and event(s).

What information are you seeking? (Please select one of the following options)

- Definitions
- Information about the Filing Process
- Information about the Period of Authorized Stay
- Information about a Change of Employers or Multiple Employers
- Information about Employer Responsibilities
- Information about Travel
- Other Questions

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Definitions

- What is the definition of "internationally recognized"?
- What is the definition of "group"?
- What is the definition of "team"?
- What is considered a "competition, event, or performance"?

Information about the Filing Process

- How does an employer apply for a P-1 nonimmigrant employee?
- What are the additional allowed types of P-1 athletes and entertainers?
- What initial eligibility requirements must a P-1 Internationally Recognized Athlete meet?
- What initial eligibility requirements must P-1 Members of an Athletic Team meet?
- What initial eligibility requirements must P-1 Members of an Entertainment Group meet?
- What initial eligibility requirements must P-1 Essential Support Personnel meet?
- What kind of initial documentary evidence will a U.S. employer need to file for a P-1 Internationally Recognized Athlete or Members of an Athletic Team?
- What kind of initial documentary evidence will a U.S. employer need to file for P-1 Members of an Entertainment Group?
- What kind of initial documentary evidence will a U.S. employer need to file for P-1 Essential Support Personnel?
- Who can provide a consultation or written advisory opinion?
- Can an employer include more than one worker on Form I-129?
- Do the I-129 filing procedures for multiple workers differ from those for one worker?
- Must the names of all workers be listed on the I-129 if it is a blanket petition?
- Can a beneficiary or beneficiaries of a Form I-129 be substituted?
- Can essential support personnel be filed for on the same petition as the principal P-1?
- What is the filing fee for Form I-129?
- Is there an additional fee for a blanket petition?
- How can an employer expedite Form I-129?
- Where does the employer file Form I-129?
- How can a nonimmigrant bring his/her family to the U.S. or change the status of family members already in the U.S.?
- Can a foreign employer apply for a P-1 nonimmigrant to work in the U.S.?

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Information about the Period of Authorized Stay

- How long can a nonimmigrant stay in P-1 status?

Information about a Change of Employers or Multiple Employers

- Can a P-1 nonimmigrant change employers?
- Can a P-1 nonimmigrant work for more than one employer?
- Can a P-1 Internationally Recognized Athlete be traded?
- What does the new organization or employer need to do so that the P-1 can continue working after being traded?

Information about Employer Responsibilities

- What is an employer liable for once a P-1 is in their employ?
- How can an employer cancel a nonimmigrant visa or status?

Information about Travel

- Can a nonimmigrant travel outside the U.S. and then reenter?

Other Questions

- Can a P-1 nonimmigrant intend to immigrate permanently to the U.S.?
- Can a P-1 nonimmigrant work in more than one location?

Back to: P-1 Internationally Recognized Athletes Foreign National Living Abroad Hiring a Foreign National Main Menu

What is the definition of "internationally recognized"?

Internationally recognized means having a high level of achievement in a field evidenced by a degree of skill and recognition substantially above that ordinarily encountered, to the extent that such achievement is renowned, leading, or well known in more than one country.

What is the definition of "group"?

Group is defined as two or more persons established as one entity or unit to perform or to provide a service.

What is the definition of "team"?

Team is defined as two or more persons organized to perform together as a competitive unit in a competitive event.

What is considered a "competition, event, or performance"?

A competition, event, or performance is considered an activity such as an athletic competition, athletic season, tournament, tour, exhibit, project, entertainment event, or engagement.

What are the additional allowed types of P-1 athletes and entertainers?

The P-1 visa category was expanded to include several additional types of athletes and entertainers as follows:

- An individual athlete on an athletic team that is a member of an association of six (6) or more professional sports teams whose total combined revenues exceed $10 million per year, if the association governs the conduct of its members and regulates the contests and exhibitions in which its member teams regularly engage or any minor league team that is affiliated with such an association.
- Individual coaches and athletes performing with teams in the U.S. that are part of an international league or association of fifteen (15) or more amateur sports teams if 1) the league is operating at the highest level of amateur performance in the relevant foreign country, 2) participating in that league renders the players ineligible to get a scholarship in or participate in that sport at a collegiate level in the U.S. and, 3) a significant number of the players in the league get drafted to play for major or minor league teams in the U.S.
- Amateur and professional ice skaters that perform in theatrical ice skating productions seeking to enter the U.S. to skate in a competition or theatrical production.

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What initial eligibility requirements must a P-1 Internationally Recognized Athlete meet?

The athlete must have an internationally recognized reputation as an international athlete. In addition, the athlete must be coming to the United States to participate in an athletic competition that has a distinguished reputation and that requires participation of an athlete who has an international reputation.

What initial eligibility requirements must P-1 Members of an Athletic Team meet?

The athletic team as a unit must be internationally recognized as outstanding in the discipline and must be coming to perform services that require an internationally recognized athletic team.

What initial eligibility requirements must P-1 Members of an Entertainment Group meet?

The entertainment group as a unit must be internationally recognized as outstanding in the discipline and must be coming to perform services that require an internationally recognized entertainment group.

What initial eligibility requirements must P-1 Essential Support Personnel meet?

The essential person must have been determined to be an integral part of the performance of a P-1 because he or she performs support services that cannot be readily performed by a U.S. worker and that are essential to the successful performance of services by the P-1.

The essential person must have appropriate qualifications to perform the services, critical knowledge of the specific services to be performed, and experience in providing such support to the P-1.

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What kind of initial documentary evidence will a U.S. employer need to file for a P-1 Internationally Recognized Athlete or Members of an Athletic Team?

A United States employer seeking to bring an Internationally Recognized Athlete or Members of an Athletic Team to the U.S must supply the following:

- Copy of the contract with a major U.S. sports league or team or contract in an individual sport commensurate with national or international recognition in that sport.

- Copies of evidence of at least 2 of the following:
  a) Participation to a substantial extent in a prior season with a major U.S. sports league,
  b) Participation in international competition with a national team,
  c) Participation to a substantial extent in a prior season for a U.S. college or university in intercollegiate competition,
  d) A written statement from an official of a major U.S. sports league or an official of the governing body of the sport detailing how the alien or team is internationally recognized,
  e) A written statement from a member of the sports media or a recognized expert in the sport detailing how the alien or team is internationally recognized,
  f) The individual or team is ranked if the sport has international rankings, or
  g) The alien or team has received a significant honor or award in the sport.

What kind of initial documentary evidence will a U.S. employer need to file for P-1 Essential Support Personnel?

A United States employer seeking to bring Essential Support Personnel to the U.S must supply the following:

- A consultation from a labor organization with expertise in the area of the alien's skill;
- A statement describing the alien(s) prior essentiality, critical skills, and experience with the principal alien(s); and
- A copy of the written contract or a summary of the terms of the oral agreement between the alien(s) and the employer.

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What kind of initial documentary evidence will a U.S. employer need to file for P-1 Members of an Entertainment Group?

A United States employer seeking to bring Members of an Entertainment Group to the U.S. must supply evidence that the group:

- Has been established and performing regularly for a period of at least 1 year;
- Has been internationally recognized in the discipline for a sustained and substantial period of time.
- International recognition for a sustained and substantial period of time may be demonstrated by the submission of evidence of the group's nomination or receipt of significant international awards or prizes for outstanding achievement in its field or by three of the following different types of documentation that demonstrate the group has:

  a) Performed, and will perform, as a starring or leading entertainment group in productions or events which have a distinguished reputation as evidenced by critical reviews, advertisements, publicity releases, publications, contracts, or endorsements;

  b) Achieved international recognition and acclaim for outstanding achievement in its field as evidenced by reviews in major newspapers, trade journals, magazines, or other published material;

  c) Performed, and will perform, services as a leading or starring group for organizations and establishments that have a distinguished reputation evidenced by articles in newspapers, trade journals, publications, or testimonials;

  d) A record of major commercial or critically acclaimed successes, as evidenced by such indicators as ratings; standing in the field; box office receipts; record, cassette, or video sales; and other achievements in the field as reported in trade journals, major newspapers, or other publications;

  e) Achieved significant recognition for achievements from organizations, critics, government agencies, or other recognized experts in the field. Such testimonials must be in a form that clearly indicates the author's authority, expertise, and knowledge of the alien's achievements; or

  f) Either commanded a high salary or will command a high salary or other substantial remuneration for services comparable to others similarly situated in the field as evidenced by contracts or other reliable evidence.

- A statement from the petitioner listing each member of the group and the exact dates for which each member has been employed on a regular basis by the group.

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How long can a nonimmigrant stay in P-1 status?

A beneficiary of an I-129 for a P-1 may be admitted to the U.S. for the validity period of the petition, plus a period of up to 10 (ten) days before the validity period begins and 10 (ten) days after the validity period ends. The beneficiary may not work except during the validity period of the petition. A P-1 Internationally Recognized Athlete can be granted a maximum period of stay of up to ten years. There is no maximum period of stay of other P-1s. However, extensions of stay for athletic teams, entertainment groups and their essential support personnel may only be authorized in one-year increments.

Can a P-1 Internationally Recognized Athlete be traded?

Yes. A P-1 Internationally Recognized Athlete could be traded.

What does the new organization or employer need to do so that the P-1 can continue working after being traded?

In the case of a P-1 Internationally Recognized Athlete who is traded from one organization to another organization, his/her ability to work will automatically continue for a period of 30 days after acquisition by the new organization or employer. However, the new organization or employer must file a new *Petition for Nonimmigrant Worker* (I-129) with the Vermont Service Center within 30 days after acquisition by the new employer. The new organization or employer can use the process at the following hyperlink: How to apply for a P nonimmigrant.

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Chapter 1	Information about Temporary Employment of Nonimmigrant Workers and Extending or Changing a Worker's Status
Unit 1	How to temporarily employ a foreign national who is living abroad or get information about a specific employment-based nonimmigrant visa category
	P-2 Artists or Entertainers in a Reciprocal Exchange Program and Essential Support Aliens

OVERVIEW

The purpose of the P-2 visa classification is to allow an alien to temporarily enter the U.S. to perform as an artist or entertainer individually or as part of a group under a reciprocal exchange program agreement between an organization in the U.S. and an organization(s) in a foreign country. Additionally, the P-2 classification allows essential support personnel to P-2 artists or entertainers to enter the U.S. temporarily as well.

What information are you seeking? (Please select one of the following options)

- Definitions
- Information about the Filing Process
- Information about the Period of Authorized Stay
- Information about a Change of Employers or Multiple Employers
- Information about Employer Responsibilities
- Information about Travel
- Other Questions

Back to: P-2 Artists or Entertainers Foreign National Living Abroad Hiring a Foreign National Main Menu

Definitions

- What is the definition of "arts"?
- What is the definition of "group"?
- What is considered an "event or performance"?

Information about the Filing Process

- How does an employer apply for a P-2 nonimmigrant employee?
- What initial requirements must the reciprocal exchange meet?
- What initial requirements must P-2 Essential Support Personnel meet?
- What kind of initial documentary evidence will a U.S. employer need to file for a P-2 Artist or Entertainer in a Reciprocal Exchange Program?
- What kind of initial documentary evidence will an U.S. employer need to file for a P-2 Essential Support Personnel?
- Who can provide a consultation or written advisory opinion?
- Can an employer include more than one worker on Form I-129?
- Do the I-129 filing procedures for multiple workers differ from those for one worker?
- Must the names of all workers be listed on Form I-129 if it is a blanket petition?
- Can a beneficiary or beneficiaries of a Form I-129 be substituted?
- Can essential support personnel be filed for on the same petition as the principal P-2?
- What is the filing fee for Form I-129?
- Is there an additional fee for a blanket petition?
- How can an employer expedite Form I-129?
- Where does the employer file Form I-129?
- How can a nonimmigrant bring his/her family to the U.S. or change the status of family members already in the U.S.?
- Can a foreign employer apply for a P-2 nonimmigrant to work in the U.S.?

Information about the Period of Authorized Stay

- How long can a nonimmigrant stay in P-2 status?

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Information about a Change of Employers or Multiple Employers

- Can a P-2 nonimmigrant change employers?
- Can a P-2 nonimmigrant work for more than one employer?

Information about Employer Responsibilities

- What is an employer held liable for once a P-2 nonimmigrant is in their employ?
- How can an employer cancel a P-2s visa or status?

Information about Travel

- Can a nonimmigrant travel outside the U.S. and then reenter?

Other Questions

- Can a P-2 nonimmigrant intend to immigrate permanently to the U.S.?
- Can a P-2 nonimmigrant work in more than one location?

Back to: P-2 Artists or Entertainers Foreign National Living Abroad Hiring a Foreign National Main Menu

What is the definition of "arts"?

Arts is defined as fields of creative activity or endeavor such as, but not limited to, fine arts, visual arts, and performing arts.

What is the definition of "group"?

Group is defined as two or more persons established as one entity or unit to perform or to provide a service.

What is considered an "event or performance"?

An event or performance is considered an activity such as a tour, exhibit, project, entertainment event, or engagement.

What initial requirements must the reciprocal exchange meet?

The exchange of artists or entertainers must be similar in terms of caliber of artists or entertainers, terms and conditions of employment, such as length of employment, and numbers of artists or entertainers involved in the exchange.

What initial requirements must P-2 Essential Support Personnel meet?

The essential support person must have been determined to be an integral part of the performance of a P-2 because he or she performs support services that cannot be readily performed by a U.S. worker and are essential to the successful performance of services by the P-2.

The essential support person must have appropriate qualifications to perform the services, critical knowledge of the specific services to be performed, and experience in providing such support to the P-2.

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What kind of initial documentary evidence will an U.S. employer need to file for a P-2 Artist or Entertainer in a Reciprocal Exchange Program?

A U.S. employer or the sponsoring organization files the I-129 with:

- A written consultation by an appropriate labor organization;
- A copy of the formal reciprocal exchange agreement between the U.S. organization(s) or employer(s) sponsoring the alien and the organization(s) in a foreign country which will receive the U.S. artist or entertainer;
- A statement from the sponsoring organization describing the reciprocal exchange of U.S. artists or entertainers as it relates to the specific petition for which classification is sought;
- Evidence that the alien and the U.S. artist or entertainer subject to the reciprocal exchange agreement are artists or entertainers with comparable skills and that the terms and conditions of employment are similar; and
- Evidence that an appropriate labor organization in the U.S. was involved in negotiating, or has concurred with, the reciprocal exchange of U.S. and foreign artists or entertainers.

What kind of initial documentary evidence will a U.S. employer need to file for a P-2 Essential Support Personnel?

The U.S. employer files the petition with the following evidence:

- A written consultation with a labor organization in the skill in which the alien will be involved;
- A statement describing the alien's prior and current essentiality, critical skills and experience with principal alien;
- A copy of any written contract between the employer and the alien or a summary of the terms of the oral agreement under which the alien will be employed.

How long can a nonimmigrant stay in P-2 status?

A beneficiary of an I-129 for a P-2 may be admitted to the U.S. for the validity period of the petition, plus a period of up to 10 days before the validity period begins and 10 days after the validity period ends. The beneficiary may not work except during the validity period of the petition. There is no maximum period of stay. However, extensions of stay may only be authorized in one-year increments.

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Chapter 1	Information about Temporary Employment of Nonimmigrant Workers and Extending or Changing a Worker's Status
Unit 1	How to temporarily employ a foreign national who is living abroad or get information about a specific employment-based nonimmigrant visa category
	P-3 Artists or Entertainers in a Culturally Unique Program and Essential Support Aliens

OVERVIEW

The purpose of the P-3 visa classification is to allow an alien to temporarily enter the U.S. as an artist or entertainer to perform, teach or coach, individually or as part of a group, in a program that is culturally unique.

What information are you seeking? (Please select one of the following options)

- Definitions
- Information about the Filing Process
- Information about the Period of Authorized Stay
- Information about a Change of Employers or Multiple Employers
- Information about Employer Responsibilities
- Information about Travel
- Other Questions

Back to: P-3 Artists or Entertainers Foreign National Living Abroad Hiring a Foreign National Main Menu

Definitions

- What is the definition of "culturally unique"?
- What is the definition of "arts"?
- What is the definition of "group"?
- What is considered an "event or performance"?

Information about the Filing Process

- How does an employer apply for a P-3 nonimmigrant employee?
- What initial requirements must P-3 Artists or Entertainers in a Culturally Unique Program meet?
- What initial requirements must P-3 Essential Support Personnel meet?
- What kind of initial documentary evidence will a U.S. employer need to file for a P-3 Artist or Entertainer?
- What kind of initial documentary evidence will a U.S. employer need to file for a P-3 Essential Support Personnel?
- From whom can a consultation or written advisory opinion be obtained?
- Can an employer include more than one worker on Form I-129?
- Do the I-129 filing procedures for multiple workers differ from those for one worker?
- Must the names of all workers be listed on Form I-129 if it is a blanket petition?
- Can a beneficiary or beneficiaries be substituted on Form I-129?
- Can essential support personnel be filed for on the same petition as the principal P-3?
- What is the filing fee for Form I-129?
- Does an employer have to pay an additional fee for a blanket petition?
- How can an employer expedite Form I-129?
- Where does the employer file Form I-129?
- How can a nonimmigrant bring his/her family to the U.S. or change the status of family members already in the U.S.?
- Can a foreign employer apply for a P-3 nonimmigrant to work in the U.S.?

Information about the Period of Authorized Stay

- How long can a nonimmigrant stay in P-3 status?

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Information about a Change of Employers or Multiple Employers

- Can a P-3 nonimmigrant change employers?
- Can a P-3 nonimmigrant work for more than one employer?

Information about Employer Responsibilities

- What is an employer liable for once a P-3 nonimmigrant is in their employ?
- How can an employer cancel a P-3 visa or status?

Information about Travel

- Can a nonimmigrant travel outside the U.S. and then reenter?

Other Questions

- Can a P-3 nonimmigrant intend to immigrate permanently to the U.S.?
- Can a P-3 nonimmigrant work in more than one location?

Back to: P-3 Artists or Entertainers Foreign National Living Abroad Hiring a Foreign National Main Menu

What is the definition of "culturally unique"?

Culturally unique means a style of artistic expression, methodology, or medium that is unique to a particular country, nation, society, class, ethnicity, religion, tribe, or other group of persons.

What is the definition of "arts"?

Arts is defined as fields of creative activity or endeavor such as, but not limited to, fine arts, visual arts, and performing arts.

What is the definition of "group"?

Group is defined as two or more persons established as one entity or unit to perform or to provide a service.

What is considered an "event or performance"?

An event or performance is considered an activity such as a tour, exhibit, project, entertainment event, or engagement.

What initial requirements must P-3 Artists or Entertainers in a Culturally Unique Program meet?

The artist or entertainer must be coming to the United States to participate in a cultural event or events which will further the understanding or development of his or her art form.

The event or events must be for the purpose of developing, interpreting, representing, coaching, or teaching a unique or traditional ethnic, folk, cultural, musical, theatrical, or artistic performance or presentation.

What initial requirements must P-3 Essential Support Personnel meet?

The essential person must have been determined to be an integral part of the performance of a P-3 because he or she performs support services that cannot be readily performed by a U.S. worker and are essential to the successful performance of services by the P-3.

The essential person must have appropriate qualifications to perform the services, critical knowledge of the specific services to be performed, and experience in providing such support to the P-3.

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What kind of initial documentary evidence will a U.S. employer need to file for a P-3 Artist or Entertainer?

A U.S. employer or the sponsoring organization files the I-129 with:

- A written consultation from an appropriate labor organization;
- Affidavits, testimonials or letters from recognized experts attesting to the authenticity of the alien's or group's skills in performing, presenting, coaching or teaching the unique and traditional art forms and giving the credentials of the expert, including the basis of his or her knowledge of the alien's or group's skills.
- Documentation that all of the performances or presentations will be culturally unique events, and;
- Documentation the performance of the alien or group is culturally unique, as evidenced by reviews in newspapers, journals or other published materials.

What kind of initial documentary evidence will a U.S. employer need to file for a P-3 Essential Support Personnel?

The U.S. employer files the petition with the following evidence:

- A written consultation with a labor organization in the skill in which the alien will be involved;
- A statement describing the alien's prior and current essentiality, critical skills and experience with principal alien;
- A copy of any written contract between the employer and the alien or a summary of the terms of the oral agreement under which the alien will be employed.

How long can a nonimmigrant stay in P-3 status?

A beneficiary may be admitted to the U.S. for the validity period of the petition, plus a period of up to 10 days before the validity period begins and 10 days after the validity period ends. The beneficiary may not work except during the validity period of the petition. There is no maximum period of stay. However, extensions of stay may only be granted in one-year increments.

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Chapter 1	Information about Temporary Employment of Nonimmigrant Workers and Extending or Changing a Worker's Status
Unit 1	How to temporarily employ a foreign national who is living abroad or get information about a specific employment-based nonimmigrant visa category
	Q-1 International Cultural Exchange Visitor

OVERVIEW

The purpose of the Q-1 International Cultural Exchange Visitor classification is to allow participants in an international cultural exchange program to obtain employment and training in the United States while sharing their history, culture, and the traditions of their home country with the American public.

What information are you seeking? (Please select one of the following options)

- Definitions
- Information about the Filing Process
- Information about the Period of Authorized Stay
- Information about a Change of Employers or Multiple Employers
- Information about Employer Responsibilities
- Information about Travel
- Other Questions

Back to: Q-1 International Cultural Exchange Visitor Foreign National Living Abroad Hiring a Foreign National Main Menu

Definitions

- Who is considered an "international cultural exchange visitor"?
- What is the definition of "doing business"?
- What is the definition of "duration of program"?

Information about the Filing Process

- How does an employer apply for a Q-1 nonimmigrant employee?
- What initial requirements must the international cultural exchange program meet?
- What initial eligibility requirements must the beneficiary of a Q-1 petition meet?
- What kind of initial documentary evidence will a U.S. employer need to file with Form I-129?
- What is the filing fee for Form I-129?
- Can an employer include more than one worker on Form I-129?
- Do the I-129 filing procedures for multiple workers differ from those for one worker?
- Must the names of all workers be listed on Form I-129 if it is a blanket petition?
- Can a beneficiary or beneficiaries of a Form I-129 be substituted?
- Is there an additional fee for a blanket petition?
- Can an employer expedite Form I-129?
- Where does the employer file Form I-129?
- Can the dependents of a Q-1 nonimmigrant accompany or follow-to-join the Q-1?
- Can a foreign employer apply for a Q-1 nonimmigrant to work in the U.S.?

Information about the Period of Authorized Stay

- How long can a nonimmigrant stay in Q-1 status?

Information about a Change of Employers or Multiple Employers

- Can a Q-1 nonimmigrant change employers?
- Can a Q-1 nonimmigrant work for more than one employer?

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Information about Employer Responsibilities

- What is an employer held liable for once a Q-1 is in their employ?
- How can an employer cancel a Q-1 visa or status?

Information about Travel

- Can a nonimmigrant travel outside the U.S. and then reenter?

Other Questions

- Can a Q-1 nonimmigrant work in more than one location?
- Can a Q-1 nonimmigrant intend to immigrate permanently to the U.S.?
- What is VIBE?

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What initial requirements must the international cultural exchange program meet?

In order to qualify as an international cultural exchange program the international cultural exchange program must:

- Be accessible to the public by taking place in a school, museum, business or other establishment where the American public, or a segment of the public sharing a common cultural interest, is exposed to aspects of a foreign culture as part of a structured program;
- Have a cultural component, which is an essential and integral part of the international cultural exchange visitor's employment or training; and
- The international cultural exchange visitor's employment or training in the United States may not be independent of the cultural component of the international cultural exchange program. The work component must serve as the vehicle to achieve the objectives of the cultural component.

Note to Representative: The cultural component must be designed, on the whole, to exhibit or explain the attitude, customs, history, heritage, philosophy, or traditions of the international cultural exchange visitor's country of nationality.

Who is considered an "international cultural exchange visitor"?

An international cultural exchange visitor is considered a person who has a residence in a foreign country that he or she has no intention of abandoning, and who is coming temporarily to the United States to take part in an international cultural exchange program approved by the Attorney General.

What is the definition of "doing business"?

Doing business means the regular, systematic, and continuous provision of goods and/or services (including lectures, seminars and other types of cultural programs) by a qualified employer that has employees, and does not include the mere presence of an agent or office of the qualifying employer.

What is the definition of "duration of program"?

Duration of program means the time in which a qualified employer is conducting an approved international cultural exchange program in the manner as established by the employer's petition for program approval, provided that the period of time does not exceed 15 months.

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What kind of initial documentary evidence will an U.S. employer need to file with the Petition for a Nonimmigrant Worker (I-129)?

The petition must be filed with evidence that the employer:

- Maintains an established international cultural exchange program.

  This may be demonstrated by submitting copies of catalogs, brochures or other types of materials that illustrate:

  a) The cultural component of the program is designed to give an overview of the attitude, customs, history, heritage, philosophy, tradition and/or other cultural attributes of the participant's home country, and;

  b) The program activities take place in a public setting where the sharing of culture can be achieved through direct interaction with the American public or a segment thereof.

- Has designated a qualified employee as a representative who will be responsible for administering the international cultural exchange program and who will serve as liaison with the U.S. Citizenship and Immigration Services;
- Is actively doing business in the United States;
- Will offer the alien(s) wages and working conditions comparable to those accorded local domestic workers similarly employed; and
- Has the financial ability to remunerate the participant(s).

What initial eligibility requirements must the beneficiary of a Q-1 petition meet?

In order to qualify initially for a Q-1 the beneficiary must meet the following:

- Is at least 18 years of age at the time the petition is filed;
- Is qualified to perform the service or labor or receive the type of training stated in the petition;
- Has the ability to communicate effectively about the cultural attributes of his or her country of nationality to the American public; and
- Has resided and been physically present outside of the United States for the immediate prior year, if he or she was previously admitted as an international cultural exchange visitor.

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Can the dependents of a Q-1 nonimmigrant accompany or follow-to-join the Q-1?

No. The dependents of Q-1 International Cultural Exchange Visitor cannot accompany or follow-to-join a Q-1. There is no nonimmigrant classification for the dependents of a Q-1.

How long can a nonimmigrant stay in Q-1 status?

The period of admission is the duration of the approved petition for the Q-1 International Cultural Exchange Visitor or fifteen (15) months, whichever is shorter. A Q-1 visitor may remain in status for a maximum period not to exceed fifteen months.

Can a beneficiary or beneficiaries of a Form I-129 be substituted?

Yes. A petitioner may request substitution by submitting a letter with the request along with a copy of the petitioner's approval notice to the consular office at which the alien will apply for a visa, or port of entry where the alien will apply for admission.

The Petitioner must state the date of birth, county of nationality, level of education, and position title of each prospective beneficiary and must certify that each is qualified to perform the service, or receive the training described in the approved petition. The petitioner must also certify each beneficiary's wages and that the offered wages and working conditions are comparable to those of domestic workers.

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Chapter 1	Information about Temporary Employment of Nonimmigrant Workers and Extending or Changing a Worker's Status
Unit 1	How to temporarily employ a foreign national who is living abroad or get information about a specific employment-based nonimmigrant visa category
	R-1 Religious Workers

OVERVIEW

The purpose of the R-1 Religious Worker nonimmigrant visa classification is to afford bona fide nonprofit religious organizations the ability to temporarily bring foreign workers to the U.S., who for two years immediately preceding the application, have been members of the religious denomination, to work in one of the following capacities:

- as a minister of religion;
- as a professional in a religious occupation, or;
- for a bona fide nonprofit religious organization in a religious occupation which relates to a traditional religious function.

Frequently Asked Questions

(FAQs continued on next page)

- What is a religious organization held liable for once an R-1 nonimmigrant is in their employ?
- How can a religious organization cancel an R-1 visa or status?
- Can an R-1 nonimmigrant change employers?
- Can an R-1 nonimmigrant work for more than one religious organization?
- Can a nonimmigrant travel outside the U.S. and then reenter?
- Can an R-1 nonimmigrant intend to immigrate permanently to the U.S.?
- What are the employer's notification requirements when an R-1 worker is terminated or working less than the required number of hours?
- What is VIBE?

Back to: R-1 Religious Workers Foreign National Living Abroad Hiring a Foreign National Main Menu

How does a bona fide nonprofit religious organization apply for an R-1 Religious Worker?

A foreign national seeking a nonimmigrant R-1 status cannot self-petition, but must have a qualifying employer submit a Form I-129, Petition for a Nonimmigrant Worker, on his or her behalf. If the beneficiary is already in the U.S. in a valid nonimmigrant status and is seeking a change to R-1 status, the employer must still submit Form I-129.

Must a bona fide nonprofit religious organization file Form I-129, *Petition for a Nonimmigrant Worker,* to get an R-1 status for an employee?

Yes. It is necessary to file Form I-129 to obtain initial R-1 status. It is also necessary to file Form I-129 if the individual is already in the United States in a valid nonimmigrant status seeking a change to R-1 status or an extension of an R-1 status.

What is considered a bona fide nonprofit religious organization?

A bona fide nonprofit religious organization is a religious organization that is exempt from taxation. A bona fide nonprofit religious organization must apply for and receive an IRS section 501(c)(3) determination letter to demonstrate non-profit status.

Affiliated organizations or petitioning organizations that are not classified as religious organizations by the IRS must establish that they are tax-exempt and provide documentation that demonstrates their religious nature and purpose as well as a certification by a tax-exempt religious organization in their denomination. Such organizations may establish that they are affiliated with the religious denomination by submitting the *Religious Denomination Certification* in the revised Form I-129 (with an edition date of November 26, 2008, or later).

What is the definition of "minister"?

Minister means an individual duly authorized by a recognized religious denomination to conduct religious worship and to perform other duties usually performed by authorized members of the clergy of that religion.

What is the definition of "professional capacity"?

Professional capacity means an activity in a religious vocation or occupation for which the minimum of a United States baccalaureate degree or a foreign equivalent degree is required.

How long can a nonimmigrant stay in R-1 Religious Worker status?

The initial admission of a religious worker, spouse and unmarried children under 21 years of age, cannot exceed 30 months. After this an extension may be granted for an additional period not to exceed 30 months. A religious worker's total period of stay may not exceed 60 months or 5 years.

Back to: R-1 Religious Workers Foreign National Living Abroad Hiring a Foreign National Main Menu

What kind of initial documentary evidence will a qualifying employer need to apply for an R-1 nonimmigrant worker?

The bona fide nonprofit religious organization must submit documentary evidence that demonstrates the following:

- That the organization qualifies as a nonprofit organization in the form of:
  a) A determination letter from the Internal Revenue Service (IRS) showing the tax exempt status of the petitioning religious organization under Internal Revenue Code 501(c)(3).

Affiliated organizations or petitioning organizations that are not classified as religious organizations by the IRS must establish that they are tax-exempt and provide documentation that demonstrates their religious nature and purpose as well as a certification by a tax-exempt religious organization in their denomination. Such organizations may establish that they are affiliated with the religious denomination by submitting the *Religious Denomination Certification* in the revised Form I-129.

- According to Form I-129 and Supplement R to the Form, the petitioning religious organization must submit an attestation and evidence as required by the Form. The attestation must include the following:
  a) That the prospective employer is a bona fide non-profit religious organization or a religious organization which is affiliated with the religious denomination and is exempt from taxation;
  b) The number of members of the prospective employer's organization and the number of aliens holding religious worker status (both immigrant and nonimmigrant) and the number of petitions filed by the employer for such status within the preceding 5 years;
  c) The complete package of salaried or non-salaried compensation being offered and a detailed description of the alien's proposed daily duties;
  d) That an alien seeking nonimmigrant R-1 status will be employed for at least 20 hours per week;
  e) That immediately prior to the filing of the petition the alien has the required two years of membership in the denomination and the required two years of experience in the religious vocation, professional religious work, or other religious work;
  f) That the alien is qualified for the religious worker position he or she seeks.

Will USCIS be conducting on-site inspections of religious organizations?

Yes. USCIS will be conducting on-site inspections of religious organizations as part of the Administrative Site Visit and Verification Program (ASVVP). The ASVVP is designed to supplement existing DHS and USCIS anti-fraud initiatives. As part of the process, site inspections are conducted to verify that a location of employment exists and to validate information provided on the petition. Religious worker site visits will take place both before and after adjudication of the petition. Inspections may include a tour of the organization's facilities, interviews with organization officials, a review of selected organization records relating to the organization's compliance with immigration laws and regulations, and interviews with any other individuals or review of any other records that USCIS considers relevant to the integrity of the organization.

Note to Representative: More information about site visits, including frequently asked questions.

Back to: R-1 Religious Workers Foreign National Living Abroad Hiring a Foreign National Main Menu

Who will be conducting the site visits?

USCIS Immigration Officers will be conducting site visits through the Administrative Site Visit and Verification Program. Site inspectors receive specialized training specific to conducting site visits. These individuals will be operating under the authority delegated to USCIS by the Secretary of Homeland Security to perform functions under U.S. immigration laws, including verifying information associated with applications or petitions.

What specific tasks will the site inspectors perform?

Site inspectors will verify the existence of a petitioning entity, take digital photos, obtain documents, and speak with organizational representatives to confirm the beneficiary's work location, employment workspace, hours, salary, and duties to assist USCIS in determining whether they are in compliance with the terms and conditions stated in the petition.

What are the compensation requirements for R-1 workers?

The beneficiary of an initial petition for R-1 nonimmigrant status must be compensated either by salaried or non-salaried compensation and the petitioner must provide verifiable evidence of such compensation. If there is to be no compensation, the petitioner must provide verifiable evidence that such non-compensated religious workers will be participating in an established, traditionally non-compensated, missionary program within the denomination, which is part of a broader international program of missionary work sponsored by the denomination. The petitioner must also provide evidence of how the aliens will be supported while participating in that program. Petitioners must also provide evidence of past compensation or support for nonimmigrants with any extensions of status request for such nonimmigrants.

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What are the employer's notification requirements when an R-1 worker is terminated or is working less than the required number of hours?

The petitioning employer must notify USCIS within 14 days when an R-1 worker is working less than the required number of hours or has been terminated or released from employment before the expiration of the period of authorized stay. The petitioner must include the following information in the notification:

- Reason for the notification or a reason for late notification (if applicable);
- USCIS receipt number of the approved R-1 petition;
- Petitioning employer's information (name, address, telephone number and employer identification number (EIN), if applicable;
- R-1 worker information (full name, date of birth, country of birth, last known physical address and phone number).

The employer should provide notification to USCIS via e-mail at:
CSCR-1EarlyTerminationNotif@uscis.dhs.gov

Notification to USCIS via e-mail is strongly encouraged; however, notification by regular mail can also be made before the end of the 14 days to the following address:

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
California Service Center
Attn: Div X/BCU ACD
P.O. Box 30050
Laguna Niguel, CA 92607-3004

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Chapter 1	Information about Temporary Employment of Nonimmigrant Workers and Extending or Changing a Worker's Status
Unit 1	How to temporarily employ a foreign national who is living abroad or get information about a specific employment-based nonimmigrant visa category
	TN Professionals (NAFTA)

OVERVIEW

The primary purpose of the TN nonimmigrant visa category is to allow Canadian and Mexican professionals to temporarily work in the United States under the 1994 North American Free Trade Agreement (NAFTA). In order to qualify, the Canadian or Mexican professional seeking this status must meet the following criteria:

- The profession is on the NAFTA list;
- The professional possesses the specific requirements for that profession;
- The prospective position requires someone in that professional capacity, and;
- The professional is going to work for a U.S. employer.

NAFTA made obtaining temporary employment in the U.S. and the classification necessary to engage in such employment, easier than previously possible for certain Canadian and Mexican professionals.

What information are you seeking? (Please select one of the following options)

- List of Professional Occupations covered by NAFTA
- Frequently Asked Questions for Canadians seeking TN status
- Frequently Asked Questions for Mexicans seeking TN status
- Other Frequently Asked Questions regarding TN status in General

Back to: TN Professionals (NAFTA) Foreign National Living Abroad Hiring a Foreign National Main Menu

Frequently Asked Questions for Canadians seeking TN status

- How does a Canadian citizen apply for TN status?
- Is it possible to substitute education with experience?

Frequently Asked Questions for Mexicans seeking TN status

- How does a Mexican citizen apply for TN status?
- Is it possible to substitute education with experience?

Other Frequently Asked Questions regarding TN status

- How can a TN nonimmigrant bring his/her family to the U.S. or change the status of family members in the U.S.?
- How long can a nonimmigrant stay in TN status?
- What is an employer liable for once a TN nonimmigrant is in their employ?
- How can an employer cancel a TN visa or status?
- Can a TN nonimmigrant change employers or work for more than one employer?
- When can the TN nonimmigrant begin to work for the new employer?
- Can a TN nonimmigrant travel outside the U.S. and then reenter?
- Can a TN nonimmigrant intend to immigrate permanently to the U.S.?
- What is VIBE?

Back to: TN Professionals (NAFTA) Foreign National Living Abroad Hiring a Foreign National Main Menu

List of Professional Occupations covered by NAFTA?

The following professions, divided into 4 categories, are covered by NAFTA for TN status. There are minimal educational and/or experience requirements associated with each profession. This information can be obtained from the Department of State TN visa information website.

Profession	**Teacher**	**Scientist**
Accountant	College	Agricultural (Agronomist)
Architect	Seminary	Animal Breeder
Computer Systems Analyst	University	Animal Scientist
Disaster Relief Insurance Claims Adjuster		Apiculturist
Economist	**Medical/Allied Professionals**	Astronomer
Engineer	Dentist	Biochemist
Forester	Dietitian	Biologist
Graphic Designer	Medical Laboratory Technologist (Canada)	Chemist
Hotel Manager	Medical Technologist (Mexico and the U.S.)	Dairy Scientist
Industrial Designer	Nutritionist	Entomologist
Interior Designer	Occupational Therapist	Epidemiologist
Land Surveyor	Pharmacist	Geneticist
Landscape Architect	Physician (teaching or research only)	Geochemist
Lawyer	Physiotherapist/Physical Therapist	Geologist
Librarian	Psychologist	Geophysicist
Management Consultant	Recreational Therapist	Horticulturist
Mathematician	Registered Nurse	Meteorologist
Range Manager/Range Conservationist	Veterinarian	Pharmacologist
Research Assistant		Physicist
Scientific Technician/ Technologist		Plant Breeder
Social Worker		Poultry Scientist
Sylviculturist (including forestry)		Soil Scientist
Technical Publications Writer		Zoologist
Urban Planner (including Geographer)		
Vocational Counselor		

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How does a Canadian citizen apply for TN status?

A Canadian citizen seeking admission as a TN nonimmigrant needs to show evidence of Canadian citizenship, a job offer letter from a U.S. employer offering a job included on the NAFTA list. The Canadian citizen may also need to provide a credentials evaluation establishing qualification for the offered job. The prospective employee can apply for admission to the U.S. with an immigration officer at a U.S. port of entry.

A prospective U.S. based employer does not have to file any paperwork on behalf of a Canadian citizen seeking TN status; they only need to supply a letter offering the prospective employee a job in the United States, which is included on the NAFTA job list.

Alternatively, effective October 1, 2012, employers also have the option of filing a Form I-129, Petition for Nonimmigrant Worker, with USCIS on behalf of Canadian citizens seeking TN status who are outside the U.S. Please see our TN NAFTA Professionals webpage for more information.

How does a Mexican citizen apply for TN status?

A Mexican citizen seeking admission as a TN nonimmigrant needs to apply for a TN visa at a U.S. consulate with evidence of Mexican citizenship and a job offer letter from a U.S. employer offering a job included on the NAFTA list. The Mexican citizen may also need to provide a credentials evaluation establishing qualification for the offered job.

A prospective U.S. based employer does not have to file any paperwork on behalf of a Mexican citizen seeking TN status; they only need to supply a letter offering the prospective employee a job in the United States, which is included on the NAFTA job list.

Is it possible to substitute education with experience?

Where a bachelor's degree is specifically required, experience cannot be substituted for the degree. Please refer to the NAFTA job list for the educational requirements for each profession.

Back to: TN Professionals (NAFTA) Foreign National Living Abroad Hiring a Foreign National Main Menu

How can a TN nonimmigrant bring his/her family to the U.S. or change the status of family members in the U.S.?

A dependent of a TN nonimmigrant will need to obtain a TD nonimmigrant classification to be admitted to the U.S. The TD applicant should apply with an immigration officer at a U.S. port-of-entry. If the dependents are already in a valid status in the U.S., but would like to change their status to the TD nonimmigrant classification, they should file Form I-539, Application to Extend or Change Nonimmigrant Status, with USCIS. If they are out of status in the U.S., they must return to Canada or Mexico and apply at a port-of-entry.

Note to Representative: The term "dependents" as used in this question is defined as the spouse and unmarried children under the age of 21 of a TN nonimmigrant. In addition, they may not work in the U.S. as TD nonimmigrants.

When can the TN nonimmigrant begin to work for that new employer?

Employment with a different or with an additional employer is not authorized until USCIS approves the Form I-129, Petition for a Nonimmigrant Worker. A TN nonimmigrant may also change employers by applying at the port-of-entry by presenting the same documentation from the new employer as was required for the initial application for TN status.

How long can a nonimmigrant stay in TN status?

A qualifying TN nonimmigrant shall be admitted to the U.S. for a period not to exceed three years. There is no specific limit on the total maximum period of time a citizen of Canada or Mexico may remain in TN status. However, the TN classification is a nonimmigrant classification and is not to be used as a way in which to immigrate permanently to the U.S.

Can a TN nonimmigrant change employers or work for more than one employer?

Yes. TN nonimmigrants can change employers and work for more than one employer provided the new U.S. employer files a Form I-129, Petition for Nonimmigrant Worker, with USCIS.

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Chapter 1	Information about Temporary Employment of Nonimmigrant Workers and Extending or Changing a Worker's Status
Unit 2	How to temporarily employ a foreign national who is already in the U.S. in another nonimmigrant category

OVERVIEW

Employing a foreign national who is already in the U.S. in another nonimmigrant status requires a change of status for the prospective employee. In general, i the prospective employee was admitted as a nonimmigrant, he/she may be able to change to another nonimmigrant status. However, there are a number of requirements, and a change of status is not available to all nonimmigrant categories or in all circumstances.

Frequently Asked Questions

- What are the terms and conditions of the various nonimmigrant employment categories?
- How do you change the status of someone who is already in another nonimmigrant status?

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What are the terms and conditions of the various employment-based nonimmigrant categories?

For information about a particular visa category, please select the relevant category below.

H-1B	H-2A	H-2B	H-3	L-1	O-1
P-1	P-2	P-3	Q-1	R-1	TN

How do you change the status of someone who is already in another nonimmigrant status?

If the beneficiary is NOT in C, D, K, S, or J status, then the process for changing status is the same as for applying for initial status. For information on this process, please select the relevant visa category below.

H-1B	H-2A	H-2B	H-3	L-1	O-1
P-1	P-2	P-3	Q-1	R-1	TN Canadian
TN Mexican					

Note to Representative: Information if the beneficiary is in C, D, K, S, or J visa categories.

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Note to Representative: If the beneficiary is in C, D, K, S, or J visa categories, please read the applicable visa category information:

C Visa: The beneficiary cannot change status.

D Visa: The beneficiary cannot change status.

K-1/K-2: The beneficiary cannot change status.
K-3/K-4: The beneficiary cannot change status while physically present in the U.S.

S Visa: The beneficiary cannot change status.

J Visa: The beneficiary cannot change status if subject to the two-year foreign residency requirement, unless he/she returns home and physically resides in his/her country for 2 years following departure from the U.S., or obtains a waiver of the two-year residency requirement.

As noted below, most J-1 waiver applications require filing Form DS-3035 with the Department of State (DOS). For more information on the requirements for filing Form DS-3035, please see the DOS J-1 visa waiver website.
There are 5 kinds of J-1 waivers:

- Persecution – You would be subject to persecution on account of race, religion, or political opinion if you were to return to your country of residence. To apply, you would file Form DS-3035 with the DOS, then file Form I-612 with USCIS.
- Hardship – Departure from the U.S. would impose exceptional hardship on your USC/LPR spouse or child. To apply, you would file Form DS-3035 with the DOS, then file Form I-612 with USCIS.
- No objection – Your country issues a "no objection statement" that states that your country does not object to the waiver. To apply, first you would file Form DS-3035 with the DOS or U.S. consulate abroad.
- Request by U.S. agency – This waiver is initiated by a U.S. agency showing that the waiver is in the public interest and that requiring the J-1 to return to his/her country for 2 years would be "clearly detrimental" to the official interest of the agency. Filing Form DS-3035 with the DOS is also required for this waiver.
- Conrad State 30 Program – For medical graduates who have agreed to practice medicine for at least 3 years in a medically underserved area. For this waiver, the J-1 applicant would apply with the state public health department, then file Form I-612 with USCIS.

Waiver applications and eligibility requirements are complex. It may be in your best interest to seek legal advice from a licensed immigration attorney or from a not-for-profit agency accredited by the Board of Immigration Appeals.

Back to: Foreign National in U.S. Hiring a Foreign National Main Menu

Chapter 1	Information about Temporary Employment of Nonimmigrant Workers and Extending or Changing a Worker's Status
Unit 3	How to extend the stay of a temporary foreign nonimmigrant worker

OVERVIEW

In certain circumstances a nonimmigrant can apply for, and receive, an extension of stay. However, there are a number of requirements, and an extension of stay is not available to all nonimmigrant categories or in all circumstances.

To extend the stay of a nonimmigrant worker, usually the employer must file Form I-129.

Frequently Asked Questions

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How can an employer extend the status of a nonimmigrant worker if their status is expiring?

To extend status, refer to the process for applying for initial status. For information on this process, please select the relevant visa category below.

H-1B	H-2A	H-2B	H-3	L-1	O-1
P-1	P-2	P-3	Q-1	R-1	TN Canadian
TN Mexican					

If I already filed a petition for an extension of status for my employee, can I continue employing him/her?

A nonimmigrant employee whose status has expired but who had an I-129 petition filed for them to extend his/her stay BEFORE their status expired, is authorized to continue employment with the same employer for a period not to exceed 240 days beginning on the date of the expiration of the previous authorized period of stay. Such authorization shall be subject to any conditions and limitations noted on the initial authorization.

If the petition for extension is denied, the employment authorization automatically terminates upon notification of the denial decision, even if this occurs prior to the expiration of the 240 days.

Back to: Extending the Stay Hiring a Foreign National Main Menu

Chapter 2 Information about Intracompany Transferees (L-1 Nonimmigrants)

OVERVIEW

An employer may submit a Form I-129, "Petition for Non-immigrant Worker," on behalf of a foreign national who works outside the United States for a business that has a parent company, subsidiary, branch, or affiliate in the U.S. These workers, called "intracompany-transferees," come to the United States temporarily to perform services. Those who perform services in a managerial or executive capacity are called "L-1A Non-immigrants." Those who possess specialized knowledge are called "L-1B Non-immigrants." The foreign national must be coming to the United States to work for a parent company, branch, subsidiary or affiliate of the same business that employed the individual abroad. In order to qualify, the individual must have been employed abroad by the corporation, firm, other legal entity, affiliate, or subsidiary on a full-time basis for at least one continuous year during the last three-year period.

What information are you seeking? (Please select one of the following options)

- Definitions
- Information about the Filing Process
- Information about the Period of Authorized Stay
- Information about a Change of Employers or Multiple Employers
- Information about Employer Responsibilities
- Information about Travel
- Other Questions

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Definitions

- What is the definition of "intracompany transferee"?
- What is the definition of "managerial capacity"?
- What is the definition of "executive capacity"?
- What is the definition of "specialized knowledge"?

Information about the Filing Process

- How does an employer apply for an L-1 nonimmigrant employee?
- What kind of initial evidence or documents will a U.S. employer need to file with Form I-129 for an L-1 nonimmigrant?
- Can a U.S. employer petition for more than one L-1 worker on the Petition for a Nonimmigrant Worker (I-129)?
- Do the I-129 filing procedures for multiple workers differ from those for one worker?
- Must the names of all workers be listed on the I-129 if it is a blanket petition?
- Is there any numerical limitation on the number of workers a U.S. employer can petition for based on an approved blanket petition?
- What is the filing fee for Form I-129?
- Does the employer have to pay an additional fee for a blanket petition?
- How can an employer expedite Form I-129?
- Where does the employer file Form I-129?
- How do I fill out Part 6 of Form I-129?
- How can a nonimmigrant bring their family to the U.S. or change the status of family members already in the U.S.?
- Can a foreign employer apply for an L-1 nonimmigrant to work in the U.S.?

Information about the Period of Authorized Stay

- How long can a nonimmigrant remain in L-1 status?

Information about a Change of Employers or Multiple Employers

- Can a nonimmigrant change employers?
- Can a nonimmigrant work for more than one employer?
- Can an L-1B work at a site other than that of the petitioning employer?

Back to: L-1: Intracompany Transferees Hiring a Foreign National Main Menu

Information about Employer Responsibilities

- What is an employer liable for once an L-1 is in their employ?
- How can an employer cancel an L-1 visa or status?

Information about Travel

- Can a nonimmigrant travel outside the U.S. and then reenter?

Other Questions

- Can an L-1 nonimmigrant intend to immigrate permanently to the U.S.?
- Must an L-1 nonimmigrant work full-time?
- Can the dependents of an L-1 nonimmigrant work in the United States?
- What is VIBE?

Back to: L-1: Intracompany Transferees Hiring a Foreign National Main Menu

What kind of initial evidence or documents will a U.S. employer need to file with Form I-129) for an L-1 nonimmigrant?

A U.S. employer who wants to file a petition for L-1, as required by regulations, should initially file the petition with the following evidence:

- Evidence of the qualifying relationship between the U.S. and the foreign employer that addresses ownership and control, such as an annual report, copies of articles of incorporation, financial statements, or stock certificates;
- A letter from the alien's foreign qualifying employer detailing his or her dates of employment, job duties, qualifications and salary and demonstrating that the alien worked for the employer abroad for at least one continuous year within the three-year period before the filing of the petition in an executive or managerial capacity or in a position involving specialized knowledge; and
- A detailed description of the proposed job duties and qualifications and evidence the proposed employment is in an executive or managerial capacity or in a position involving specialized knowledge.

What is the definition of “intracompany transferee”?

An "intracompany transferee” is an employee of a company abroad who is to be transferred to a U.S. affiliate, parent, or subsidiary entity on a temporary work basis. In order to be eligible, the employee must have worked for the company abroad for one continuous year out of the preceding three years. The employee must be coming to the U.S. in order to continue working for the same employer or the affiliate, subsidiary, or parent company.

Back to: L-1: Intracompany Transferees Hiring a Foreign National Main Menu

What is the definition of "managerial capacity"?

Managerial capacity means an assignment within an organization in which the employee primarily:

- Manages the organization, or a department, subdivision, function, or component of the organization;
- Supervises and controls the work of other supervisory, professional, or managerial employees, or manages an essential function within the organization, or a department or subdivision of the organization;
- Has the authority to hire and fire or recommend those as well as other personnel actions (such as promotion and leave authorization) if another employee or other employees are directly supervised; if no other employee is directly supervised, functions at a senior level within the organizational hierarchy or with respect to the function managed; and
- Exercises discretion over the day-to-day operations of the activity or function for which the employee has authority.

What is the definition of "executive capacity"?

Executive capacity means an assignment within an organization in which the employee primarily:

- Directs the management of the organization or a major component or function of the organization;
- Establishes the goals and policies of the organization, component, or function;
- Exercises wide latitude in discretionary decision-making; and
- Receives only general supervision or direction from higher-level executives, the board of directors, or stockholders of the organization.

What is the definition of "specialized knowledge"?

Specialized knowledge means special knowledge possessed by an individual of the petitioning organization's product, service, research, equipment, techniques, management, or other interests and its application in international markets, or an advanced level of knowledge or expertise in the organization's processes and procedures.

Back to: L-1: Intracompany Transferees Hiring a Foreign National Main Menu

Can a U.S. employer petition for more than one L-1 worker on the Petition for a Nonimmigrant Worker (I-129)?

Yes. An employer can petition for more than one L-1 worker on the *Petition for a Nonimmigrant Worker* (I-129), which is called a blanket petition.

Must the name of all workers be listed on Form I-129 if it is a blanket petition?

Yes. However the name of the worker only appears on the individual I-129S or I-129, not on the blanket petition itself, because the blanket petition is for the employer.

Is there a numerical limitation on the number of workers a U.S. employer can petition for based on an approved blanket petition?

No. There is no numerical limitation on the number of people an employer could petition for based on an approved blanket petition. However, the employer must first demonstrate the need for the amount of employees being petitioned for.

Does the employer have to pay an additional fee for a blanket petition?

No. The employer does not have to pay any additional fee when filing the I-129 on behalf of more than one worker. However, a $500 anti-fraud fee is charged for an alien filing a visa application abroad for an L blanket petition.

How long can a nonimmigrant stay in L-1 status?

Effective February 14, 2012, L visas will be issued with a validity period that is based upon a U.S. Department of State reciprocity schedule. The reciprocity schedule will reflect the reciprocal treatment the U.S. receives from the applicant's home country. To see the State Department visa reciprocity schedule for your country, please visit the U.S. Department of State's website.

The State Department's visa reciprocity schedule shows the maximum length of time for which the L visa can be issued.

Can a foreign employer apply for an L-1 nonimmigrant to work in the U.S?

Yes. A foreign employer can apply for an L-1 to work in the U.S. if the foreign employer has a legal business entity in the U.S.

Must an L-1 nonimmigrant work full-time?

An L-1 nonimmigrant is not required to work full-time, but must dedicate a significant portion of his or her time on a regular and systematic basis.

Back to: L-1: Intracompany Transferees Hiring a Foreign National Main Menu

Can the dependents of an L-1 nonimmigrant work in the United States?

Yes. The L-2 spouse of an L–1 can work in the United States by filing Form I-765, Application for Employment Authorization, with USCIS. However, minor children may not be employed under the L-2 classification.

Note to Representative: The employer should also be told to have either the employee or the employee's spouse call the National Customer Service Center 1-800 number for more specific information regarding this, since the Employer Hotline number is only designed for employers.

Can an L-1B nonimmigrant work at a site other than that of the petitioning employer?

No. An L-1B temporary worker can no longer work primarily at a worksite other than that of their petitioning employer if the work will be controlled or supervised by a different employer or if the offsite work arrangement is essentially to provide labor for hire, rather than service related to the specialized knowledge of the petitioning employer.

Back to: L-1: Intracompany Transferees Hiring a Foreign National Main Menu

Volume 4.5.3 Helping a Foreign National Employee Get Permanent Resident Status

OVERVIEW

As an employer, if you want to help an employee become a permanent resident, you and the employee would go through a multi-stage process.

That process starts, in most cases, by the employer first obtaining an approved Labor Certification Request from the U.S. Department of Labor (DOL), before filing an employment petition with USCIS on behalf of the employee – placing the employee in line to immigrate. For most immigrant visas, after the Labor Certification Request has been approved by the DOL, or if such a request is not required, the employer continues the process by filing **Form I-140**, *Immigrant Petition for Alien Worker* with USCIS. Form I-140 is available on our website at www.uscis.gov. Sometimes the employee may be able to file an application for permanent resident status (Form I-485) concurrently with the employer's Form I-140. For information on all the filing requirements and fees for a request for labor certification with DOL, please visit the agency's website at www.dol.gov.

In the case of the EB-4 immigrant category, for certain religious workers, the employer or the worker would file a Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, and not the Form I-140.

Note to Representative: In certain circumstances, an EB-1 worker of extraordinary ability and EB-4 religious worker may petition for himself or herself.

There are four basic employment-based, "visa preference categories."

- Chapter 1 EB-1 - Extraordinary Ability, Professors, Researchers, or Executives
- Chapter 2 EB-2 - Exceptional Ability in the Sciences, Arts, or Business
- Chapter 3 EB-3 - Skilled Worker, Professional, or Unskilled Worker
- Chapter 4 EB-4 - Immigrant Religious Worker

Self-guided information in helping an employee immigrate

General FAQs concerning helping an employee immigrate

FAQs about the USCIS Immigrant Fee

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Who are the employees that I may file for?

A U.S. employer may apply on behalf of a prospective or current employee who is a foreign national inside or outside the United States who may qualify under one or more of the employment-based or "EB" immigrant visa categories. The EB visa categories are divided into four preference categories. These categories are organized by occupational priorities as mandated by Congress.

Note to Representative: In certain circumstances, an EB-1 worker of extraordinary ability and EB-4 religious worker may petition for himself or herself.

In the chart below, choose the occupation that most closely describes the occupation of the employee you want to help become a permanent resident.\

EB-1 Priority Workers	EB-2 Professionals with Advanced Degrees or Persons with Exceptional Ability	EB-3 Professional or Skilled Workers	EB-4 Certain Religious Workers
Extraordinary ability in the sciences, arts, education, business or athletics FAQs and information about this category	Employees who because of their exceptional ability in the sciences, arts or business will substantially benefit the national economy, cultural or educational interests or welfare of the U.S. FAQs and information about this category	Professionals with a baccalaureate degree. FAQs and information about this category	Certain Religious workers. FAQs and information about this category
Outstanding professors and researchers FAQs and information about this category	Members of the professions holding advanced degrees or their equivalent. FAQs and information about this category	Employees with at least two years experience as skilled workers. FAQs and information about this category	
Multinational executives and managers FAQs and information about this category		Other workers with less than two years experience, such as an unskilled worker who can perform labor for which qualified U.S. workers are not available FAQs and information about this category	

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The employee is currently:

- Inside the U.S.
- Outside the U.S.

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How did the employee enter the United States?

- Legally
- Illegally

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To your knowledge, is this employee currently in a legal nonimmigrant status in the United States?

- Yes
- No

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This employee is currently in the U.S. in what nonimmigrant category? (Choose one below)

Nonimmigrant Categories			
Diplomats and Government Representatives, and their staffs and		**Nonimmigrant Workers and their dependents**	
A	Diplomatic Personnel	D	Crewmembers
C2	Representative in transit to or from the United Nations Headquarters District	E	Treaty Traders and Treaty Investors based on a bilateral treaty, and dependents
C3	Government Representatives in transit through the U.S.	H1B	Temporary Workers in Specialty Occupations
G	Other Government Representatives	H1C	Registered Nurses
NATO	NATO personnel on assignment to the U.S.	H2A	Temporary Agricultural Workers
Tourists and Visitors on business		H2B	Temporary skilled and unskilled workers
B	Tourists and Visitors on Business including citizens of Canada entering without a visa	H3	Trainees
WB	Visitors coming temporarily on business admitted under the Visa Waiver Program	H4	Dependents of H1, H2, and H3 workers and trainees
		I	Representatives of Foreign Information Media
WT	Tourists admitted under the Visa Waiver program	L	Intra-Company Transferees
Guam Visa Waiver	Tourists Admitted only to Guam under Special Visa Waiver	O	Persons with Extraordinary Ability and their support personnel
Students and Exchange Visitors, and their dependents			
F	Academic Students	P1	Internationally recognized Athletes and Entertainers
J	Exchange Program Visitors	P2	Artists and Entertainers pursuant to Exchange Agreements
M	Vocational Students	P3	Culturally Unique Artists and Entertainers
Fiancé(e)s and certain relatives of U.S. citizens and Permanent Residents		P4	Dependents of 'P' athletes, artists and entertainers
K1 K2	Fiancé(e)s of U.S. citizens and their dependent children (also see U.S. citizen services)	Q1	International Cultural Exchange Visitors
		Q2, Q3	Irish Peace Process cultural training program participants
K3 K4	Certain Husbands and Wives of U.S. citizens, and their dependent children	R	Religious Workers
V	Certain Relatives of a Permanent Resident (LIFE Act)	TN1, TD	Canadian professionals under NAFTA (North American Free Trade Agreement)
Others		TN2, TD	Mexican professionals under NAFTA (North American Free Trade Agreement)
C1, TWOV	Persons transiting the U.S.		
S U	Certain Informants and victims of criminal activity in the U.S.		
T	Victims of Trafficking		
Parolee	Person paroled into U.S. temporarily		

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To your knowledge, since January 1, 1977, has this employee been employed in the United States without proper authorization?

- Yes
- No

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To your knowledge, has this employee ever violated his/her nonimmigrant status in the U.S.?

- Yes
- No

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Priority dates are numerical limitations (preference) assigned to eligible applicants seeking to immigrate to the United States. This is solely due to the maximum number of visas issued from October 1 through September 30 and they are divided into family sponsored, employment based, and diversity immigration.

Priority dates are used to make sure that each eligible person within an immigrant category is considered in chronological order. In other words, a priority date is the person's place in line to immigrate. For employment-based categories, the priority date is either:

1. The date the I-140 is filed, if filing for an immigrant visa category that does not require a labor certification, **or**
2. The date the approved labor certification was received at the Department of Labor, as indicated on the certification, if filing for an immigrant visa category that does require a labor certification.

The Department of State (DOS) issues a visa bulletin on a monthly basis. In the visa bulletin, if a date is shown for any category, this indicates that the category is oversubscribed. The cut-off date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. Visas are available only to applicants who have a priority date earlier than the cut-off date.

Beginning with the October 2015 visa bulletin, the "Application Final Action Dates" chart is used to indicate what priority dates are current for the purpose of issuing immigrant visas. This chart also indicates when individuals may file their adjustment of status applications. However, if USCIS determines that there are more immigrant visas available for the fiscal year than there are known applicants for such visas, the "Dates for Filing Visa Applications" chart may be used to determine when to file an adjustment of status application with USCIS. This will be indicated at www.uscis.gov/visabulletininfo.

The "Dates for Filing Visa Applications" chart indicates when the DOS National Visa Center should contact applicants outside the United States (or their attorneys of record or agents) to begin collecting applications, fees and supporting documents for pending immigrant visa cases overseas.

In the bulletin, if "C" is shown in a category, this means immigrant visas are immediately available for all qualified applicants in that category; and

In the bulletin, "U" means unavailable. This means no immigrant visas are available.

Note to Representative: Review the Visa Bulletin. After reviewing the Visa Bulletin provided by the Department of State, does it appear that an immigrant visa is currently available?

- Yes
- No

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In some cases, an employee who is in the United States may be able to file for permanent resident status at the same time the employer files the I-140 petition if an immigrant visa would be immediately available to him or her. In most immigrant categories, the law limits how many people can immigrate each year.

Priority dates are numerical limitations (preference) assigned to eligible applicants seeking to immigrate to the United States. This is solely due to the maximum number of visas issued from October 1 through September 30 and they are divided into family sponsored, employment based, and diversity immigration.

Priority dates are used to make sure that each eligible person within an immigrant category is considered in chronological order. In other words, a priority date is the person's place in line to immigrate. For employment-based categories, the priority date is either:

1. The date the I-140 is filed, if filing for an immigrant visa category that does not require a labor certification, **or**
2. The date the approved labor certification was received at the Department of Labor, as indicated on the certification, if filing for an immigrant visa category that does require a labor certification.

The Department of State (DOS) issues a visa bulletin on a monthly basis. In the visa bulletin, if a date is shown for any category, this indicates that the category is oversubscribed. The cut-off date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. Visas are available only to applicants who have a priority date earlier than the cut-off date.

Beginning with the October 2015 visa bulletin, the "Application Final Action Dates" chart is used to indicate what priority dates are current for the purpose of issuing immigrant visas. This chart also indicates when individuals may file their adjustment of status applications. However, if USCIS determines that there are more immigrant visas available for the fiscal year than there are known applicants for such visas, the "Dates for Filing Visa Applications" chart may be used to determine when to file an adjustment of status application with USCIS. This will be indicated at www.uscis.gov/visabulletininfo.

The "Dates for Filing Visa Applications" chart indicates when the DOS National Visa Center should contact applicants outside the United States (or their attorneys of record or agents) to begin collecting applications, fees and supporting documents for pending immigrant visa cases overseas.

In the bulletin, if "C" is shown in a category, this means immigrant visas are immediately available for all qualified applicants in that category; and

In the bulletin, "U" means unavailable. This means no immigrant visas are available.

Note to Representative: Review the webpage www.uscis.gov/visabulletininfo. After reviewing the Visa Bulletin provided by USCIS, does it appear that the employee may currently file an adjustment of status application?

- Yes
- No

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It appears that you may want to pursue the Form I-140 immigrant visa petition process for this employee. Under this visa category, you do not need a labor certification from the Department of Labor.

It appears that an immigrant visa appears to be immediately available for this immigrant category. Because the employee is in the United States, if he/she meets all other filing requirements, he/she may wish to consider filing a Form I-485, Application to Register Permanent Residence or Adjust Status, concurrently with Form I-140.

You can download the necessary forms from our website at www.uscis.gov.

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It appears that you may want to pursue the Form I-140 immigrant visa petition process for this employee. Under this visa category, you do not need a labor certification and if the petition you filed on behalf of this employee is approved:

- He/she may remain in the U.S. in another legal status until such time as the immigrant visa does become available and apply for permanent residence at that time, or
- He/she must depart the U.S because He/she can not adjust his/her status to permanent resident in the United States, and
- The approval notice will be sent to the State Department's National Visa Center (NVC), and
- The NVC will pre-process it and forward it to the U.S. Consulate nearest this employee's country of origin, and
- The employee will be notified and may be invited to apply for his/her immigrant visa outside the United States at a U.S. Consulate when his/her visa becomes available

You can download the necessary forms from our website at www.uscis.gov.

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Has this employee obtained a certification from the Department of State or NATO on Form I-566?

- Yes
- No

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If this employee was subject to the two-year foreign residence requirement (see his/her J-1 visa), has this employee obtained a waiver of the two-year foreign residence requirement through approval by USCIS on a Form I-612?

- Yes
- No

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It appears that you may want to pursue the Form I-140 immigrant visa petition process for this employee. Under this visa category, you do not need a labor certification from the Department of Labor.

Unfortunately, because this employee:

- Did not enter the United States legally, or
- Entered in a status that is barred from applying for permanent resident status in the United States, or
- Worked in the U.S. without proper authorization some time after January 1, 1977, or
- Violated his/her status in the United States, or
- Is not currently in a valid nonimmigrant status, or
- Entered in A, G or NATO status and has not yet obtained a certification from the Department of State or NATO on Form I-566, or
- Entered in "J" status and has not yet obtained a waiver of the two-year foreign residence requirement, or
- Entered in K-1 fiance(e) status and did not seek permanent residence through marriage to the United States citizen petitioner,

He/she cannot file to adjust his/her status to permanent resident in the United States. He/she will need to depart the U.S. in order to apply for the immigrant visa at the U.S. Consulate.

If the petition you filed on behalf of this employee is approved:

- It will be sent to the State Department's National Visa Center (NVC).
- The NVC will pre-process it and forward it to the U.S. Consulate nearest this employee's country of origin.
- The employee will be notified and may be invited to apply for his/her immigrant visa outside the United States at a U.S. Consulate when his/her visa becomes available.

You can download the necessary forms from our website at www.uscis.gov.

Note to Representative: Visa processing times vary depending upon the visa category and country of origin of the employee. For more information about visa processing and availability, please visit the State Department's web site at www.state.gov.

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The employee is currently:

- Inside the U.S.
- Outside the U.S.

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How did the employee enter the United States?

- Legally
- Illegally

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To your knowledge, is this employee currently in a legal nonimmigrant status in the United States?

- Yes
- No

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This employee is currently in the U.S. in what nonimmigrant category? (Choose one below)

Nonimmigrant Categories			
Diplomats and Government Representatives, and their staffs and		**Nonimmigrant Workers and their dependents**	
A	Diplomatic Personnel	D	Crewmembers
C2	Representative in transit to or from the United Nations Headquarters District	E	Treaty Traders and Treaty Investors based on a bilateral treaty, and dependents
C3	Government Representatives in transit through the U.S.	H1B	Temporary Workers in Specialty Occupations
G	Other Government Representatives	H1C	Registered Nurses
NATO	NATO personnel on assignment to the U.S.	H2A	Temporary Agricultural Workers
Tourists and Visitors on business		H2B	Temporary skilled and unskilled workers
B	Tourists and Visitors on Business including citizens of Canada entering without a visa	H3	Trainees
WB	Visitors coming temporarily on business admitted under the Visa Waiver Program	H4	Dependents of H1, H2, and H-3 workers and trainees
		I	Representatives of Foreign Information Media
WT	Tourists admitted under the Visa Waiver program	L	Intra-Company Transferees
Guam Visa Waiver	Tourists Admitted only to Guam under Special Visa Waiver	O	Persons with Extraordinary Ability and their support personnel
Students and Exchange Visitors, and their dependents			
F	Academic Students	P1	Internationally recognized Athletes and Entertainers
J	Exchange Program Visitors	P2	Artists and Entertainers pursuant to Exchange Agreements
M	Vocational Students	P3	Culturally Unique Artists and Entertainers
Fiancé(e)s and certain relatives of U.S. citizens and Permanent Residents		P4	Dependents of 'P' athletes, artists and entertainers
K1 K2	Fiancé(e)s of U.S. citizens and their dependent children (also see U.S. citizen services)	Q1	International Cultural Exchange Visitors
		Q2, Q3	Irish Peace Process cultural training program participants
K3 K4	Certain Husbands and Wives of U.S. citizens, and their dependent children	R	Religious Workers
V	Certain Relatives of a Permanent Resident (LIFE Act)	TN1, TD	Canadian professionals under NAFTA (North American Free Trade Agreement) and their dependents (TD)
Others		TN2, TD	Mexican professionals under NAFTA (North American Free Trade Agreement) and their dependents (TD)
C1, TWOV	Persons transiting the U.S.		
S U	Certain Informants and victims of criminal activity in the U.S.		
T	Victims of Trafficking		
Parolee	Person paroled into U.S. temporarily		

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To your knowledge, since January 1, 1977, has this employee been employed in the United States without proper authorization?

- Yes
- No

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To your knowledge, has this employee ever violated his/her nonimmigrant status in the U.S.?

- Yes
- No

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Has this employee obtained a certification from the Department of State or NATO on Form I-566?

- Yes
- No

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If this employee was subject to the two-year foreign residence requirement (see his/her J-1 visa), has this employee obtained a waiver of the two-year foreign residence requirement from USCIS (usually requested on Form I-612)?

- Yes
- No

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In some cases, an employee who is in the United States may be able to file for permanent resident status at the same time the employer files the I-140 petition if an immigrant visa would be immediately available to him or her. In most immigrant categories, the law limits how many people can immigrate each year.

Priority dates are numerical limitations (preference) assigned to eligible applicants seeking to immigrate to the United States. This is solely due to the maximum number of visas issued from October 1 through September 30 and they are divided into family sponsored, employment based, and diversity immigration.

Priority dates are used to make sure that each eligible person within an immigrant category is considered in chronological order. In other words, a priority date is the person's place in line to immigrate. For employment-based categories, the priority date is either:

1. The date the I-140 is filed, if filing for an immigrant visa category that does not require a labor certification, **or**
2. The date the approved labor certification was received at the Department of Labor, as indicated on the certification, if filing for an immigrant visa category that does require a labor certification.

The Department of State (DOS) issues a visa bulletin on a monthly basis. In the visa bulletin, if a date is shown for any category, this indicates that the category is oversubscribed. The cut-off date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. Visas are available only to applicants who have a priority date earlier than the cut-off date.

Beginning with the October 2015 visa bulletin, the "Application Final Action Dates" chart is used to indicate what priority dates are current for the purpose of issuing immigrant visas. This chart also indicates when individuals may file their adjustment of status applications. However, if USCIS determines that there are more immigrant visas available for the fiscal year than there are known applicants for such visas, the "Dates for Filing Visa Applications" chart may be used to determine when to file an adjustment of status application with USCIS. This will be indicated at www.uscis.gov/visabulletininfo.

The "Dates for Filing Visa Applications" chart indicates when the DOS National Visa Center should contact applicants outside the United States (or their attorneys of record or agents) to begin collecting applications, fees and supporting documents for pending immigrant visa cases overseas.

In the bulletin, if "C" is shown in a category, this means immigrant visas are immediately available for all qualified applicants in that category; and

In the bulletin, "U" means unavailable. This means no immigrant visas are available.

Note to Representative: Review the Visa Bulletin. After reviewing the Visa Bulletin provided by the Department of State, does it appear that an immigrant visa is currently available?

- Yes
- No

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In some cases, an employee who is in the United States may be able to file for permanent resident status at the same time the employer files the I-140 petition if an immigrant visa would be immediately available to him or her. In most immigrant categories, the law limits how many people can immigrate each year.

Priority dates are numerical limitations (preference) assigned to eligible applicants seeking to immigrate to the United States. This is solely due to the maximum number of visas issued from October 1 through September 30 and they are divided into family sponsored, employment based, and diversity immigration.

Priority dates are used to make sure that each eligible person within an immigrant category is considered in chronological order. In other words, a priority date is the person's place in line to immigrate. For employment-based categories, the priority date is either:

1. The date the I-140 is filed, if filing for an immigrant visa category that does not require a labor certification, **or**
2. The date the approved labor certification was received at the Department of Labor, as indicated on the certification, if filing for an immigrant visa category that does require a labor certification.

The Department of State (DOS) issues a visa bulletin on a monthly basis. In the visa bulletin, if a date is shown for any category, this indicates that the category is oversubscribed. The cut-off date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. Visas are available only to applicants who have a priority date earlier than the cut-off date.

Beginning with the October 2015 visa bulletin, the "Application Final Action Dates" chart is used to indicate what priority dates are current for the purpose of issuing immigrant visas**.** This chart also indicates when individuals may file their adjustment of status applications. However, if USCIS determines that there are more immigrant visas available for the fiscal year than there are known applicants for such visas, the "Dates for Filing Visa Applications" chart may be used to determine when to file an adjustment of status application with USCIS. This will be indicated at www.uscis.gov/visabulletininfo.

The "Dates for Filing Visa Applications" chart indicates when the DOS National Visa Center should contact applicants outside the United States (or their attorneys of record or agents) to begin collecting applications, fees and supporting documents for pending immigrant visa cases overseas.

In the bulletin, if "C" is shown in a category, this means immigrant visas are immediately available for all qualified applicants in that category; and

In the bulletin, "U" means unavailable. This means no immigrant visas are available.

Note to Representative: Review the webpage www.uscis.gov/visabulletininfo. After reviewing the Visa Bulletin provided by USCIS, does it appear that the employee may currently file an adjustment of status application?

- Yes
- No

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It appears that you may file an immigrant petition for this employee. To start the process you must:

- Obtain a labor certification through the Department of Labor's foreign labor certification process for hiring foreign workers. More information about the foreign labor certification process is available at the Department of Labor web site at www.doleta.gov.
- File Form I-140 Immigrant Petition for Alien Worker, with USCIS within 180 calendar days of the approval of labor certification.
- Attach the approved labor certification with the I-140 petition.

Please Note: Effective July 16, 2007 USCIS will not accept:

- Expired labor certification.
- The substitution of alien beneficiaries on any application for labor certification submitted after July 16, 2007.

It appears that an immigrant visa is immediately available for this immigrant category. Because he/she is in the United States and if he/she all other filing requirements, the employee may wish to consider filing a Form I-485, Application to Register Permanent Residence or Adjust Status, concurrently with Form I-140. For more information please visit our website: www.uscis.gov.

To download the Form I-140 so please visit our website www.uscis.gov.

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It appears that you may file an immigrant petition for this employee. To start the process you must:

- Obtain a labor certification through the Department of Labor's foreign labor certification process for hiring foreign workers. More information about the foreign labor certification process is available at the Department of Labor web site at http://www.doleta.gov.
- File Form I-140 Immigrant Petition for Alien Worker, with USCIS within 180 calendar days of the approval of labor certification.
- Attach the approved labor certification with the petition.

Please Note: Effective July 16, 2007 USCIS will not accept:

- Expired labor certification.
- The substitution of alien beneficiaries on any application for labor certification submitted after July 16, 2007.

If the petition you file on behalf of this employee is approved:

- He/she may remain in the U.S. in another legal status until such time as the immigrant visa becomes available and apply for permanent residence at that time, or
- He/she must depart the U.S because He/she can not adjust his/her status to permanent resident in the United States, and
- The approval notice will be sent to the State Department's National Visa Center (NVC), and
- The NVC will pre-process it and forward it to the U.S. Consulate nearest this employee's country of origin, and
- The employee will be notified and may be invited to apply for his/her immigrant visa outside the United States at a U.S. Consulate when his/her visa becomes available

You can download the necessary forms from our website at www.uscis.gov.

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It appears that you may petition the immigrant visa for this employee. To start the process you must:

- Obtain a labor certification through the Department of Labor's foreign labor certification process for hiring foreign workers. More information about the foreign labor certification process is available at the Department of Labor web site at http://www.doleta.gov.
- File Form I-140 Immigrant Petition for Alien Worker, with USCIS within 180 calendar days of the approval of labor certification.
- Attach your labor certification with your application.

Note to Representative: Effective July 16, 2007 USCIS will not accept:

- Expired labor certification.
- The substitution of alien beneficiaries on any application for labor certification submitted after July 16, 2007.

Because this employee:

- Did not enter the United States legally, or
- Entered in a status that is barred from applying for permanent resident status in the United States, or
- Worked in the U.S. without proper authorization some time after January 1, 1977, or
- Violated his/her status in the United States, or
- Is not currently in a valid nonimmigrant status, or
- Entered in A, G or NATO status and has not yet obtained a certification from the Department of State or NATO on Form I-566, or
- Entered in "J" status and has not yet obtained a waiver of the two-year foreign residence requirement, or
- Entered in K-1 fiance(e) status and did not seek permanent residence through marriage to the United States citizen petitioner,

If the petition you file on behalf of this employee is approved:

- He/she will need to depart the U.S because He/she can not adjust his/her status to permanent resident in the United States, and
- The approval notice will be sent to the State Department's National Visa Center (NVC), and
- The NVC will pre-process it and forward it to the U.S. Consulate nearest this employee's country of origin, and
- The employee will be notified and may be invited to apply for his/her immigrant visa outside the United States at a U.S. Consulate when his/her visa becomes available.

You can download the necessary forms from our website at www.uscis.gov.

Note to Representative: Visa processing times vary depending upon the visa category and country of origin of the employee. For more information about visa processing and availability, please see the visa availability list at the State Department's web site at www.state.gov.

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General FAQs

- Who are the employees that I may file for?
- What does the petition do for my employee?
- How do I file for an employee?
- After I file, how long will it be before my employee can immigrate?
- What about my employee's family?
- What happens after I file?
- How long will it take USCIS to process my petition?
- Where can I find more information about this process?
- A chart showing a brief overview of the process that leads to permanent residency based on employment
- How can I request the consolidated processing of multiple successor-in-interest cases due to a transfer in ownership of the petitioning business?

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Who are the employees that I may file for?

A U.S. employer may apply on behalf of a prospective or current employee who is a foreign national inside or outside the United States who may qualify under one or more of the employment-based or "EB" immigrant visa categories.

The EB visa categories are divided into four preference categories. These categories are organized by occupational priorities as mandated by Congress. For more information about each immigrant visa category, please select the appropriate category:

EB-1 Priority Workers

- Aliens with extraordinary ability in the sciences, arts, education, business or athletics
- Outstanding professors and researchers
- Multinational executives and managers

EB-2 Professionals with Advanced Degrees or Persons with Exceptional Ability

- Aliens who because of their exceptional ability in the sciences, arts or business will substantially benefit the national economy, cultural or educational interests or welfare of the U.S.
- Aliens who are members of the professions holding advanced degrees or their equivalent

EB-3 Professionals, Skilled Workers or Other Workers

- Professionals with a baccalaureate degree
- Aliens with at least two years experience as skilled workers
- Other workers with less than two years experience, such as an unskilled worker who can perform labor for which qualified U.S. workers are not available

EB-4 Special Immigrants

- Religious workers

What does the petition do for my employee?

Filing a petition shows that you and the prospective employee have an intent to have an employer-employee relationship upon the approval of the petition. Proving your employer-employee relationship and the employee's qualifications gives your employee a place in line among others waiting to immigrate based on the same kind of "EB" visa category. When the place in line is reached, the employee may be eligible to apply to immigrate.

Your employee's place in line, known as a "priority date" will be based on the date you file the labor certification with DOL or, if a labor certification is not required, the date your petition is filed with us. So, there is an advantage to filing as soon as possible.

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How do I file for an employee?

Determine if the prospective or current employee meets the criteria of one of the four employment-based preference categories. Then the process begins as follows:

- For category 1, file a **Form I-140**, *Immigrant Petition for Alien Worker*, with USCIS.
- For categories 2 and 3, first file a labor certification request, *Application for Permanent Employment Certification*, with the Department of Labor (DOL). Then file the approved labor certification with a **Form I-140** with USCIS within 180 calendar days of the approval.
- The requirement for labor certification has been waived for employees who qualify for a national interest waiver.
- For category 4, file a **Form I-360**, *Petition for Amerasian, Widow(er), or Special Immigrant*, with USCIS.

Note to Representative: The substitution of alien beneficiaries is prohibited on any application for labor certification submitted after July 16, 2007.

After I file, how long will it be before my employee can immigrate?

If an employee entered the U.S. legally and is currently in the U.S. in a legal status (and meets certain other requirements), he/she may be able to file an application to adjust to permanent resident status if the visa category for that employee is "current".

For other employees that may have to wait, when he/she reaches the "front of the line", the Department of State contacts your employee and invites him or her to apply for an immigrant visa. If you are interested in current wait times for visa numbers, see "Visa Bulletins" on the State Department's website. Beginning with the October 2015 visa bulletin, the Department of State will publish two charts:

- An "Application Final Action Dates" chart, which shows what priority dates are currently for the purpose of issuing immigrant visas and when individuals may file their adjustment of status application, and
- A "Dates for Filing Visa Applications" chart, indicating when immigrant visa applicants should be notified to assemble and submit required documentation to the National Visa Center.

If USCIS determines that there are more immigrant visas available for the fiscal year than there are known applicants for such visas, the "Dates for Filing Visa Applications" chart" may be used to determine when to file an adjustment of status application with USCIS.

How can I request the consolidated processing of multiple successor-in-interest cases due to a transfer in ownership of the petitioning business?

Note to Representative: Please transfer call to Tier 2.

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What about my employee's family?

In most cases, when your employee's place in line is reached and he/she applies to immigrate, his/her spouse and unmarried children under 21 can apply as dependents.

What happens after I file?

We will mail you a receipt so you know we have your petition. If your petition is incomplete, we may have to reject it, or we may ask you for more evidence or information. Please send all required documents the first time to avoid delay.

We will notify you when we make a decision. Normally, when we approve the petition, we will send it to the U.S. State Department's National Visa Center (NVC). Once your employee's place in line for a visa number is reached, the NVC will notify you and your employee, inviting him or her and qualifying dependents to apply for immigrant visas. For more information about immigrant visa processing please visit the U.S. State Department's website at www.state.gov.

How long will it take USCIS to process my petition?

Note to Representative: Please provide the customer with the estimated processing time from the website, and then inform the customer of the following:

Processing time depends on a number of factors and any estimate that USCIS provides to its customers is only an estimate, not a guarantee. You can also check updated processing time estimates for an application or petition by visiting www.uscis.gov and selecting "See Office Case Processing Times" under the Tools tab. These estimates are updated monthly, typically after the 15th of the month.

Where can I find more information about this process?

For information on all the filing requirements and fees for a labor certification request with the Department of Labor, please visit the agency's website at www.foreignlaborcert.doleta.gov.

For specific information regarding each category or qualifying occupation, please refer to our website at www.uscis.gov.

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The following table provides a brief overview of the process that leads to permanent residency based on employment.

Stage	Who Does It	What Happens
1	Employer	Determine if prospective employee or current employee meets the basic criteria for one of the four distinct visa categories, that permanent residency is granted for when based on employment. Which are: EB-1 Priority workers EB-2 Professionals with advanced degrees or Persons with exceptional ability EB-3 Skilled workers, professionals or other workers EB-4 Certain Religious Workers and Certain Other Special Immigrants
2	Employer	Files a labor certification request, Application for Permanent Employment Certification (Form ETA 9089), with the Department of Labor (DOL). **Note to Representative**: Labor Certification is not required for all employment-based categories.
3	DOL	Grants or denies the certification request. Employer could skip this step if labor certification is not required.
4	Employer	Files on behalf of employee an approved labor certification with an immigrant visa petition, Petition for Alien Worker (Form I-140) or Petition for an Amerasian, Widow(er), or Special immigrant (I-360), with USCIS. Once you have obtained the approved labor certification from the Department of Labor you must file it in support of the Form I-140 within 180 calendar days of the approval. USCIS must receive the Form I-140 with the supporting approved labor certification on or before the 180th day of validity. USCIS will reject any I-140 filed with a supporting approved labor certification that is expired.
5	USCIS	Grants or denies Immigrant Petition for Alien Worker (Form I-140) or Petition for an Amerasian, Widow(er), or Special Immigrant (I-360).
6	State Department	Allocates immigrant visa numbers according to priority dates. **Note to Representative**: Priority date is determined by the date that the Form ETA-9089 was filed with the Department of Labor or, if no labor certification was required, the date the Form I-140 was filed with USCIS.
7	Employee	Determines if a visa is available based on their priority date and files for adjustment of status if visa number is available. If the beneficiary is outside the United States when an immigrant visa number becomes available, he or she will be notified and must complete the process at his or her nearest U.S. consulate office. **Note to Representative:** Employee may not have to wait for approval of I-140 before filing for adjustment of status as he or she may be eligible for concurrent filing, which is contingent upon visa availability.
8	USCIS or a U.S. Consulate	If beneficiary is inside the U.S. then USCIS will approve or deny the application to adjust status to permanent resident. If beneficiary outside the U.S. then the U.S. Consulate will approve or deny the immigrant visa application.

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FAQs about the USCIS Immigrant Fee

- What is the Immigrant Visa DHS Domestic Processing Fee (USCIS Immigrant Fee)?
- Who has to pay the USCIS Immigrant Fee?
- When will the USCIS Immigrant Fee take effect?
- How should I pay the Immigrant Fee?
- When should the Immigrant Fee be paid?
- Can check payments be from an overseas bank?
- If the immigrant visa holder does not have a checking account, debit, or credit card, or is otherwise unable to pay the fee, may I pay on their behalf?
- Can my employer or attorney and pay my USCIS Immigrant Fee in Electronic Immigration System (ELIS)?
- If the immigrant visa is issued before February 1, 2013, but the immigrant visa holder did not apply for admission to the U.S. until after February 1, 2013, will the immigrant visa holder have to pay the fee?
- What happens if I do not pay the USCIS immigrant fee?
- Who is exempt from paying the immigrant fee?
- Where can I get more information about the USCIS Immigrant Visa Fee?
- Does the fee have to be paid for each individual issued a visa or just for the individual on whose behalf an immigrant visa petition was filed? If I file an immigrant visa petition for my relative who has dependent children, will the fee have to be paid for each of the dependents as well?
- I am trying to pay the USCIS Immigrant Fee and am unable to type in my Case ID Number on the fee payment form on the USCIS ELIS website. What should I do?
- Will the immigrant receive proof of permanent resident status when entering the U.S.?
- Can the immigrant fee be waived?
- Is a Spanish version of the USCIS ELIS website available?
- I don't have a Case ID Number or an Alien Registration Number (A-Number). What should I do?
- I received a letter titled "Permanent Resident Card Processing Payment" from the Texas Service Center. Why was this letter sent to me?
- My mailing address is different from the address I provided the Department of State of U.S. Customs and Border Protection. How do I update the address to which my Permanent Resident Card is mailed?
- Do I have to pay for a replacement Permanent Resident Card if I previously paid the USCIS Immigrant Fee but have not yet received my card?

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What is the Immigrant Visa DHS Domestic Processing Fee (USCIS Immigrant Fee)?

The USCIS Immigrant Fee is a fee of $165 that USCIS established to cover the costs associated with processing, filing, and maintaining the immigrant visa package, and producing and mailing required documents (such as a Permanent Resident Card).

Who has to pay the USCIS Immigrant Fee?

Individuals who have been issued immigrant visas by the U.S. Department of State and are applying for admission to the U.S. need to pay this fee.

The following immigrants are exempt from paying the immigrant fee:

- children who enter the United States under either the Orphan or Hague adoption programs;
- Iraqi and Afghan special immigrants;
- returning residents (SB-1s); and
- those issued K visas.

When will the USCIS Immigrant Fee take effect?

Effective February 1, 2013, USCIS will collect the USCIS Immigrant Fee from individuals who have been issued immigrant visas by the U.S. Department of State.

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How should I pay the Immigrant Fee?

Immigrant visa holders applying for admission to the U.S. must pay the USCIS Immigrant Fee by going online at www.uscis.gov/elis and linking to USCIS ELIS to answer some questions and provide their checking account, debit, or credit card information.

Immigrant visa holders must submit payments online after they receive their immigrant visa package from the U.S. Department of State (DOS). DOS will issue the applicant:

- A USCIS handout which will include the immigrant visa holder's Alien number (the letter "A" followed by 8 or 9 numbers) and DOS Case ID number (3 letters followed by 9 or 10 numbers); and
- Instructions on how to submit payment.

Note to Representative: If the immigrant visa holder is a Diversity Visa immigrant, the DOS Case ID number will have 4 numbers followed by 2 letters and 5 more numbers.

Immigrant visa holders should keep a copy of their receipt for their records.

Please visit our Web site at www.uscis.gov/immigrantfee and www.uscis.gov/elis for more information about the fee.

Note to Representative: For FAQs about using ELIS, please go to Volume 3, Getting Ready to File, USCIS ELIS Questions Chapter.

When should the Immigrant Fee be paid?

Payment should be made before traveling to the U.S.

If you are unable to pay the fee before departing for the U.S., you must pay this fee after your arrive in the U.S. If there is no record of payment following your admission to the U.S., USCIS will send you a notice requesting payment.

Please note that you will not receive your permanent resident card until you have paid the USCIS Immigrant Fee.

Failure to pay the USCIS immigrant fee will not affect your status as a lawful permanent resident but you will only have evidence of your lawful permanent status for one year from the date of your admission, as evidenced by the temporary I-551 stamp placed in your passport by CBP at the time of your admission.

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Can check payments be from an overseas bank?

No. Check payments must be drawn on a U.S. bank.

If the immigrant visa holder does not have a checking account, debit, or credit card, or is otherwise unable to pay the fee, may I pay on their behalf?

Yes, you will need your family member's A-number and Department of State (DOS) Case ID in order to pay the fee.

Can my employer or attorney and pay my USCIS Immigrant Fee in Electronic Immigration System (ELIS)?

Yes, they will need your A-number and Department of State (DOS) Case ID in order to pay the fee.

If the immigrant visa is issued before February 1, 2013, but the immigrant visa holder did not apply for admission to the U.S. until after February 1, 2013, will the immigrant visa holder have to pay the fee?

No. Immigrant visa holders are not required to pay the USCIS Immigrant Fee if the U.S. Department of State issued their Immigrant Visa before February 1, 2013.

What happens if I do not pay the USCIS immigrant fee?

You will not receive your permanent resident card until you have paid the USCIS Immigrant Fee.

Failure to pay the USCIS immigrant fee will not affect your status as a lawful permanent resident but you will only have evidence of your lawful permanent status for one year from the date of your admission, as evidenced by the temporary I-551 stamp placed in your passport by CBP at the time of your admission.

Who is exempt from paying the immigrant fee?

The following immigrants are exempt from paying the immigrant fee:

- children who enter the United States under either the Orphan or Hague adoption programs;
- Iraqi and Afghan special immigrants;
- returning residents (SB-1s); and
- those issued K visas.

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Can I mail payment of the USCIS Immigrant Fee to a USCIS Office?

No. USCIS only accepts payment of the USCIS Immigrant Fee online through USCIS ELIS. USCIS **will not** accept payments via mail.

How can I track the status of my permanent resident card?

To track the status of your legal permanent resident card, please visit www.uscis.gov and select "Check My Case Status."

May I pay for my family member if I have already paid my USCIS Immigrant Fee in USCIS ELIS?

Yes, you will need your family member's A-number and Department of State (DOS) Case ID in order to pay the fee.

Note to Representative: For FAQs about using ELIS, please go to Volume 3, Getting Ready to File, USCIS ELIS Questions Chapter.

Where can I get more information about the USCIS Immigrant Visa Fee?

For more information about the fee, please visit our website at www.uscis.gov/immigrantfee where a News Release and a detailed payment Web page, including a set of questions and answers about the USCIS Immigrant fee, are available. Also, please visit www.uscis.gov/elis.

What happens if I lose my copy of the payment receipt? Can I get another copy?

If you paid the immigrant fee using Pay.gov, receipts cannot be re-generated. After submission you would obtain payment confirmation based on the charge being posted to your account. If you need to provide evidence of payment, please make an INFOPASS appointment on our Website at www.uscis.gov to speak with an Immigration Services Officer. At the INFOPASS appointment, you can provide a copy of your credit card statement, bank statement, or processed check that was used for payment.

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Does the fee have to be paid for each individual issued a visa or just for the individual on whose behalf an immigrant visa petition was filed? If I file an immigrant visa petition for my relative who has dependent children, will the fee have to be paid for each of the dependents as well?

Yes. The fee must be paid for each recipient of a Department of State Immigrant Visa who applied for admission to the United States. The immigrant fee would have to be paid for the relative and for each dependent.

You must provide the Alien Registration Number or A-Number and the Department of State Case ID Number assigned to you and each family member you are paying for. Please be sure to correctly enter the A-Number and Department of State Case ID Number in USCIS ELIS. You can pay for multiple family members by clicking the "Add" button.

I am trying to pay the USCIS Immigrant Fee and am unable to type in my Case ID Number on the fee payment form on the USCIS ELIS website. What should I do?

The Case ID Number can be found on the Immigrant Data Summary Sheet stapled to the front of the immigrant visa package you received with your visa. The number begins with three letters indicating the consulate or embassy followed by a series of numbers. Additionally, at the time of your interview at the U.S. Embassy or Consulate, the DOS interviewing officer provided you with a USCIS handout that informed you of the need to pay the immigrant fee and included your A-Number and Case ID Number.

If the fee payment form will not accept your Case ID Number, USCIS should be able to process your payment if the correct Alien Registration Number or A-Number assigned to the individual on the transaction is entered. Please be sure to enter the A-Number correctly when paying the fee. If you are paying the fee on behalf of multiple family members, ensure that the A-Number for each individual is captured correctly. The A-Number is the letter "A' followed by eight or nine numbers. If you A-Number is fewer than nine digits, insert a zero after the "A" and before the first digit to create a nine-digit number. For example, "A12345678" would become "A012345678."

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Will the immigrant receive proof of permanent resident status when entering the U.S.?

Yes. The immigrant will receive an ADIT stamp upon entry that will serve as proof of permanent resident status for up to one year or until their card is received. While waiting for your permanent resident card, this stamp can also be used for re-entry when returning to the United States from overseas travel and for evidence of work authorization in the United States.

Can the immigrant fee be waived?

No, there is no waiver available for the immigrant fee.

Is a Spanish version of the USCIS ELIS website available?

No. The USCIS ELIS website is only available in English.

I don't have a Case ID Number or an Alien Registration Number (A-Number). What should I do?

Your Case ID Number and Alien Registration Number (A-Number) can be found on the Immigrant Data Summary Sheet stapled to the front of the immigrant visa package you and any accompanying family members received with your visa from the Department of State (DOS), US Embassy or Consulate. If you did not receive an Immigrant Data Summary Sheet with your visa packet, please request this sheet from the U.S. Embassy or Consulate that issued you the visa. Each individual family member will be provided a separate sheet. Additionally, at the time of your interview at the U.S. Embassy or Consulate, the DOS interviewing officer provided you with a USCIS handout that informed you of the need to pay the immigrant fee and included your A-Number and Case ID Number.

Your A-Number can also be found on your passport next to your admission stamp. If you are still unable to locate your A-Number, you may make an appointment to visit your local USCIS office. The Immigration Services Officer at the local office can provide you with your A-Number. The A-Number is the letter "A' followed by eight or nine numbers. If you A-Number is fewer than nine digits, insert a zero after the "A" and before the first digit to create a nine-digit number. For example, "A12345678" would become "A012345678." You can schedule the appointment yourself by using INFOPASS on our website at www.uscis.gov.

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I received a letter titled "Permanent Resident Card Processing Payment" from the Texas Service Center. Why was this letter sent to me?

This letter was sent to inform you that the processing of your Permanent Resident Card has been suspended because USCIS does not have a record of payment of the $165 USCIS Immigrant Fee. For more information about the USCIS Immigrant Fee and how to pay the fee, please visit our website at www.uscis.gov/immigrantfee and www.uscis.gov/elis.

If you have already paid the immigrant fee on the Pay.gov website, please follow the instructions in the letter and mail a copy of the letter and a copy of your payment receipt from Pay.gov to the Texas Service Center address noted in the letter.

Note to Representative: If the customer states that they no longer have a copy of their payment receipt, please read the customer the answer to the FAQ "What happens if I lose my copy of the payment receipt?"

My mailing address is different from the address I provided the Department of State or U.S .Customs and Border Protection. How do I update the address to which my Permanent Resident Card is mailed?

USCIS will only mail your permanent resident card to the U.S. mailing address you provide to the Department of State at the time of your immigrant visa interview or to the U.S. Customs and Border Protection (CBP) officer when you are admitted to the United States. If you move after you arrive in the U.S. and do not receive your card within 45 days, please update your address with USCIS by visiting www.uscis.gov/addresschange or by calling us back.

Do I have to pay for a replacement Permanent Resident Card if I previously paid the USCIS Immigrant Fee but have not yet received my card?

If you need a replacement card, please see information on Form I-90, Application to Replace Permanent Resident Card.

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Chapter 1 EB-1 - Extraordinary Ability, Professors, Researchers, or Executives

OVERVIEW

The purpose of this classification is to allow aliens with extraordinary ability in the sciences, arts, education, business, or athletics that has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation, to immigrate permanently to the United States. It also includes outstanding professors or researchers and multinational executives and managers.

EB-1 Priority Workers

Unit 1 Aliens with extraordinary ability in the sciences, arts, education, business or athletics

Unit 2 Outstanding professors or researchers

Unit 3 Multinational executives and managers

FAQs about the USCIS Immigrant Fee

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Chapter 1	EB-1 - Extraordinary Ability, Professors, Researchers, or Executives
Unit 1	Alien with extraordinary ability in the sciences, arts, education, business or athletics

OVERVIEW

The purpose of this classification is to allow aliens with extraordinary ability in the sciences, arts, education, business, or athletics that has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation, to immigrate permanently to the United States.

A "person of extraordinary ability" is an individual who has risen to the very top of his or her field of endeavor. To apply for a visa for a person of extraordinary ability, the employer should submit a Form I-140, "Immigrant Petition for Alien Worker," to USCIS. The employer, who submits Form I-I40 on behalf of the foreign national, is called the "petitioner." The employee is called the "beneficiary." If the foreign national submits Form I-140 on his own behalf, the foreign national is the petitioner as well as the beneficiary. To request expedited processing of Form I-140, you may submit a Form I-907, *Request for Premium Processing,* and the appropriate fee. For more information about the fees and filing instructions for Form I-907, please visit our website at www.uscis.gov .

Definitions

- What does "extraordinary ability" mean?

Eligibility and Evidence Requirements

- Can an alien file for him/herself under this classification?
- Does the business or the self-petitioning alien filing under this classification have to get a labor certification from the Department of Labor?
- How does the employer or the self-petitioning alien apply for permanent residency based on extraordinary ability?
- What initial requirements does the petitioner/company/business have to meet?
- What evidence can the petitioner provide to demonstrate that the alien is coming to the United States to continue work in the area of expertise?
- What initial requirements or qualifications does the alien have to meet?
- What evidence can the employer or the self-petitioning alien provide to demonstrate compliance with the requirements?

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Filing Process Questions

- What is NAICS?
- Where can the employer or the self-petitioning alien obtain the North American Industry Classification System (NAICS) code?
- What is SOC?
- Where can the employer or the self-petitioning alien obtain the Standard Occupation Classification (SOC) System codes?
- Is an alien filing under this classification eligible to file the Application to Register Permanent Residence or Adjust Status (I-485) concurrently with the Petition for Alien Worker (I-140)?
- How can the employer or the self-petitioning alien check for visa availability?
- Can the spouse and unmarried children under 21 of an alien with extraordinary ability gain permanent residency through the classification? If so, what and when can they file?
- Where does the employer or the self-petitioning alien file the Petition for Alien Worker (I-140)?
- What is the filing fee for the I-140?
- What is the filing fee for a concurrently filed I-485 and I-140?
- How long will it take USCIS to process my petition?

Other FAQs

- Does an alien under this visa category, with a pending I-485 based on employment, have to obtain work authorization to continue working in the U.S.?
- Does an alien under this visa category, with a pending I-485 based on employment, have to obtain advance parole before leaving the U.S. to reenter the U.S. after travel abroad?
- Is an alien who obtains permanent residency through this classification obligated to continue working for the employer who filed the petition on their behalf?

Guided information in helping an employee immigrate

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What does "extraordinary ability" mean?

Extraordinary ability means a level of expertise indicating that the individual is one of a small percentage who has risen to the very top of their particular field.

For example, if you receive a major internationally recognized award, such as a Nobel Prize, you will qualify for the EB-1 visa category. Other awards may also qualify if you can document that the award is in the same class as a Nobel Prize.

Can an alien file for him/herself under this classification?

Yes. An EB-1 worker of extraordinary ability may petition for himself or herself.

Does the business or the self-petitioning alien filing under this classification have to get a labor certification from the Department of Labor?

No. Labor certification is not required for petitions based on EB-1 occupations.

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How does the employer or the self-petitioning alien apply for permanent residency based on extraordinary ability?

The employer or the self-petitioning alien seeking permanent residency based on extraordinary ability follows the process in the following table.

Stage	Action
1	The employer or the self-petitioning alien files a Petition for Alien Worker, Form I-140, with USCIS. **Note to Representative**: Premium Processing may now be available for Form I-140. For further information, please see Volume 3. It is possible for the self-petitioning alien to file the I-485 concurrently with the I-140 if a visa number is available.
2	If the beneficiary is in the United States in a legal status, beneficiary files for adjustment of status upon approval of I-140, or, if a visa number is available, at the same time the I-140 is filed. USCIS will approve or deny the application. If the beneficiary is outside the United States when an immigrant visa number becomes available, he or she will be notified and must complete the process at his or her nearest U.S. consulate office.
3	If the I-485 is approved, the beneficiary is granted permanent resident status and will be sent a permanent resident card in the mail. If the beneficiary went through the immigrant visa process overseas, beneficiary enters the United States and receives an endorsed immigrant visa attached to his/her passport at the port of entry to serve as evidence of status until they receive their permanent resident card in the mail.

What initial requirements does the petitioner/company/business have to meet?

Although there is no requirement for an offer of employment to aliens with extraordinary ability, there should be clear evidence that the alien is coming to the United States to continue working in the area of expertise.

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What evidence can the petitioner provide to demonstrate that the alien is coming to the United States to continue working in the area of expertise?

Examples of evidence that a petitioner can provide to demonstrate that the self-petitioning alien is coming to the United States to continue working in the area of expertise include:

- Letter(s) from prospective employer(s),
- Evidence of prearranged commitments such as contracts,
- Alternatively, a statement from the beneficiary detailing plans on how he or she intends to continue his or her work in the United States.

What initial requirements or qualifications does the alien have to meet?

The employer or the self-petitioning alien must provide evidence that the alien has sustained national or international acclaim and that the achievements have been recognized in the field experience.

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What evidence can the employer or the self-petitioning alien provide to demonstrate compliance with these requirements?

The employer or the self-petitioning alien must provide the following evidence:

- A one-time achievement (i.e., a major internationally recognized award); or
- At least three of the following;

a) Receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor;
b) Membership in associations in the field which demand outstanding achievement of their members;
c) Published material about the alien in professional or major trade publications or other major media;
d) Evidence that the alien has judged, either individually or on a panel, the work of others;
e) Evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance to the field;
f) Evidence of the alien's authorship of scholarly articles in professional or major trade publications or other major media;
g) Evidence that the alien's work has been displayed at artistic exhibitions or showcases;
h) Performance of a leading or critical role in distinguished organizations;
i) Evidence that the alien commands a high salary or other significantly high remuneration in relation to others in the field;
j) Evidence of commercial successes in the performing arts.

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What is NAICS?

NAICS is the North American Industry Classification System that is used to classify business establishments and is used by USCIS for internal adjudicative purposes. The NAICS code must be listed on the Form I-140.

Where can the employer or the self-petitioning alien obtain the North American Industry Classification System (NAICS) code?

The North American Industry Classification System (NAICS) code can be obtained from the Department of Commerce, U.S. Census Bureau website at www.census.gov/epcd/www/naics.html.

What is SOC?

SOC is the Standard Occupational Classification (SOC) System that is used to classify occupations and is used by USCIS for internal adjudicative purposes. The SOC code must be listed on the Form I-140.

Where can the employer or the self-petitioning alien obtain the Standard Occupational Classification (SOC) System codes?

The Standard Occupational Classification (SOC) System codes can be obtained from the Department of Labor, U.S. Bureau of Labor Statistics www.bls.gov/soc/home.htm.

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Is an alien filing under this classification eligible to file the *Application to Register Permanent Residence or Adjust Status* (I-485) concurrently with the *Immigrant Petition for Alien Worker* (I-140)?

The ***Application to Register Permanent Residence or Adjust Status* (I-485)** may be filed concurrently with the ***Immigrant Petition for Alien Worker* (I-140)** when a visa is immediately available. Also, if an employment-based petition is pending and no Form I-485 has been filed, the self-petitioning alien may still obtain the benefits of concurrent filing by filing an I-485 with evidence of a previously filed and pending I-140 at any time as long as a visa would be available to him or her.

How can the employer or the self-petitioning alien check for visa availability?

The employer or the self-petitioning alien can check for visa availability by accessing the Department of State's Visa Bulletin on their website. Beginning with the October 2015 visa bulletin, the Department of State will publish two charts:

- An "Application Final Action Dates" chart, which shows what priority dates are currently for the purpose of issuing immigrant visas and when individuals may file their adjustment of status application, and
- A "Dates for Filing Visa Applications" chart, indicating when immigrant visa applicants should be notified to assemble and submit required documentation to the National Visa Center.

If USCIS determines that there are more immigrant visas available for the fiscal year than there are known applicants for such visas, the "Dates for Filing Visa Applications" chart" may be used to determine when to file an adjustment of status application with USCIS.

Can the spouse and unmarried children under 21 of an alien with extraordinary ability gain permanent residency through this classification? If so, what and when can they file?

Yes. The spouse and unmarried children under 21 of an alien with extraordinary ability can gain permanent residency based on the principal alien.

Dependents may file Form I-485, *Application for Travel Document* (I-131) and *Application for Employment Authorization* (I-765) concurrently or subsequent to principal alien's I-140 and I-485. To access these Forms, please visit our Forms and Fees website.

If dependents file after the principal alien files his or her I-485, dependents must wait until the principal applicant receives a Form I-797, *Notice of Action* from USCIS. Thereafter, dependents must include a copy of the principal applicant's Form I-797 with their filings. The principal's *Notice of Action* will facilitate matching dependent's subsequent filings with the principal's file.

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How long will it take USCIS to process my petition?

Note to Representative: Please provide the customer with the estimated processing time from the website, and then inform the customer of the following:

Processing time depends on a number of factors and any estimate that USCIS provides to its customers is only an estimate, not a guarantee. You can also check updated processing time estimates for an application or petition by visiting www.uscis.gov and selecting "See Office Case Processing Times" under the Tools tab. These estimates are updated monthly, typically after the 15th of the month.

Premium Processing may now be available for Form I-140. **Note to Representative:** For further information, please see Volume 3.

Does an alien under this visa category, with a pending I-485 based on employment, have to obtain work authorization to continue working in the U.S.?

An alien under this category will have to obtain work authorization to work in the U.S. unless in possession of one of the following:

- Valid H-1B status; or
- Valid L-1 status.

Does an alien under this visa category, with a pending I-485 based on employment, have to obtain advance parole before leaving the U.S. to reenter the U.S. after travel abroad?

An alien under this category will have to obtain an advance parole before leaving the U.S. to reenter the U.S. after travel abroad unless in possession of one of the following:

- A valid H-1B visa; or
- A valid L-1 visa.

Is an alien who obtains permanent residency through this classification obligated to continue working for the employer who filed the petition on their behalf?

Due to the American Competitiveness in the Twenty-First Century Act (AC21), an individual whose petition for adjustment of status has been filed and has remained unadjudicated for 180 days or more may change employers if the new job is in the same or similar occupational classification as the job for which the petition was filed.

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Chapter 1	EB-1 - Extraordinary Ability, Professors, Researchers, or Executives
Unit 2	EB-1 Priority Workers - Outstanding Professors and Researchers

OVERVIEW

The purpose of this classification is to allow aliens who are outstanding professors and researchers with at least three years experience in teaching or research, and recognized internationally for their outstanding academic achievements in a particular academic field, to immigrate permanently to the United States.

To be considered outstanding, a professor or researcher must be internationally recognized in his or her academic area and meet certain other requirements. To apply for a visa for an outstanding professor or researcher, the employer must submit a Form I-140, *Immigrant Petition for Alien Worker*, to USCIS. The employer who submits Form I-I40 on behalf of the foreign national is called the "petitioner." The employee is called the "beneficiary."

Definitions

- What does "academic field" mean?

Eligibility and Evidence Requirements

- Can an alien file for him/herself under this classification?
- Does the educational institution or business filing under this classification have to get a labor certification from the Department of Labor?
- What kind of employer can provide the offer of employment under this classification?
- What kind of position must be offered under this classification?
- How does the employer apply for permanent residency for an alien who is an outstanding professor or researcher?
- What initial requirements do the petitioner/educational institution/business have to meet?
- What evidence can the petitioner provide to demonstrate the ability to pay the proffered wage?
- What initial requirements or qualifications does the alien beneficiary have to meet?
- What evidence can the employer provide to demonstrate that the alien beneficiary meets these requirements?

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Filing Process Questions

- What is NAICS?
- Where can the employer obtain the North American Industry Classification System (NAICS) code?
- What is SOC?
- Where can the employer obtain the Standard Occupation Classification (SOC) System codes?
- Is the alien beneficiary filing under the classification eligible to file the Application to Register Permanent Residence or Adjust Status (I-485) concurrently with the Petition for Alien Worker (I-140)?
- How can the employer check for visa availability?
- Can the spouse and unmarried children under 21 of an outstanding professor or researcher gain permanent residency through this classification? If so, what and when can they file?
- Where does the employer file the Petition for Alien Worker (I-140)?
- What is the filing fee for the I-140?
- What is the filing fee for a concurrently filed I-485 and I-140?
- How long will it take USCIS to process my petition?

Other FAQs

- Does an alien under the classification with a pending I-485 based on employment have to obtain work authorization to continue working in the U.S.?
- Does an alien under this classification with a pending I-485 based on employment have to obtain advance parole before leaving the U.S. to reenter the U.S. after travel abroad?
- Is an alien who obtains permanent residency through this classification obligated to continue working for the employer who filed the petition on their behalf?
- What is VIBE?

Self-guided information in helping an employee in this category immigrate

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What does "academic field" mean?

Academic field means a body of specialized knowledge offered for study at an accredited United States university or institution of higher education.

Can an alien file for him/herself under this classification?

No. A United States employer must petition for the alien under this classification.

Does the educational institution or business filing under this classification have to get a labor certification from the Department of Labor?

No. Labor certification is not required for this classification. However, there must be an offer of employment from a prospective United States employer.

What kind of position must be offered under this classification?

The position must be a permanent position meaning either tenured, tenure-tracked, or for a term of indefinite or unlimited duration, and in which the employee will ordinarily have an expectation of continued employment unless there is good cause for termination.

What kind of employer can provide the offer of employment under this classification?

The offer of employment must be in the form of a letter and come from:

- A United States university or institution of higher learning offering the alien a tenured or tenure-track teaching position or permanent research position in the alien's academic field; or
- A department, division, or institute of a private employer offering the alien a permanent research position in the alien's academic field.

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How does the employer apply for permanent residency for an alien who is an outstanding professor or researcher?

The employer seeking permanent residency for an alien who is an outstanding professor or researcher follows the process in the following table:

Stage	Action
1	The employer files a Petition for Alien Worker, Form I-140, and the offer of employment with USCIS. **Note to Representative**: Premium Processing may now be available for Form I-140. For further information, please see Volume 3. Also, it is possible for the alien beneficiary to file the I-485 concurrently with the I-140 if a visa number is available.
2	Upon approval of I-140, the alien beneficiary files for adjustment of status if a visa number is available and the individual is in the U.S. If the beneficiary is outside the United States when an immigrant visa number becomes available, he or she will be notified and must complete the process at his or her nearest U.S. consulate office.
3	If the I-485 is approved, the beneficiary is granted permanent resident status and will be sent a permanent resident card in the mail. If the beneficiary went through the immigrant visa process overseas, beneficiary enters the United States and receives an endorsed immigrant visa attached to his/her passport at the port of entry to serve as evidence of status until they receive their permanent resident card in the mail.

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What initial requirements do the petitioner/educational institution/business have to meet?

The prospective employer must demonstrate the ability to pay the proffered wage.

What evidence can the petitioner provide to demonstrate the ability to pay the proffered wage?

Evidence of this ability shall be either in the form of copies of annual reports, federal tax returns, or audited financial statements.

What initial requirements or qualifications does the alien beneficiary have to meet?

An outstanding professor or researcher must meet the following requirements in order to be classified as such:

- At least three years experience in teaching or research in a particular academic area, and
- Seeks to enter the U.S. for a tenured or tenure track teaching position or comparable research position at a university or other institution of higher education or a private employer; and
- Evidence that the professor or researcher is recognized internationally as outstanding in their particular academic field.

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What evidence can the employer provide to demonstrate that the alien beneficiary meets these requirements?

To demonstrate that the alien beneficiary meets these three requirements, the following documents must be submitted:

1. Evidence of at least three years experience in teaching or research in a particular academic area. Evidence shall be in the form of letter(s) from current or former employer(s) including:
   - The name, address, and title of the writer, and
   - A specific description of the duties performed by the alien.

2. An offer of employment from the prospective United States employer offering the alien beneficiary a tenured or tenure track teaching position or comparable research position.

3. Evidence that the professor or researcher is recognized internationally as outstanding in their particular academic field as shown by documentation of at least two of the following:
   - Receipt of major prizes or awards for outstanding achievement;
   - Membership in associations that require their members to demonstrate outstanding achievements;
   - Published material in professional publications written by others about the alien's work in the academic field;
   - Participation, either on a panel or individually, as a judge of the work of others in the same or allied academic field;
   - Original scientific or scholarly research contributions in the field;
   - Authorship of scholarly books or articles (in scholarly journals with international circulation) in the field.

What is NAICS?

NAICS is the North American Industry Classification System that is used to classify business establishments and is used by USCIS for internal adjudicative purposes. The NAICS code must be listed on the Form I-140.

Where can the employer obtain the North American Industry Classification System (NAICS) code?

The North American Industry Classification System (NAICS) code can be obtained from the Department of Commerce, U.S. Census Bureau website at www.census.gov/epcd/www/naics.html.

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What is SOC?

SOC is the Standard Occupational Classification (SOC) System that is used to classify occupations and is used by USCIS for internal adjudicative purposes. The SOC designation must be listed on the Form I-140.

Where can the employer obtain the Standard Occupational Classification (SOC) System codes?

The Standard Occupational Classification (SOC) System codes can be obtained from the Department of Labor, U.S. Bureau of Labor Statistics www.bls.gov/soc/home.htm.

Is the alien beneficiary filing under this classification eligible to file the *Application to Register Permanent Residence or Adjust Status* (I-485) concurrently with the *Petition for Alien Worker* (I-140)?

The ***Application to Register Permanent Residence or Adjust Status* (I-485)** may be filed concurrently with the ***Immigrant Petition for Alien Worker* (I-140)** when a visa is immediately available. Also, if an employment-based petition is pending and no Form I-485 has been filed, the alien may still obtain the benefits of concurrent filing by filing an I-485 at any time as long as a visa would be available to him or her.

How can the employer check for visa availability?

The employer can check for visa availability by accessing the Department of State's Visa Bulletin on their website. Beginning with the October 2015 visa bulletin, the Department of State will publish two charts:

- An "Application Final Action Dates" chart, which shows what priority dates are currently for the purpose of issuing immigrant visas and when individuals may file their adjustment of status application, and
- A "Dates for Filing Visa Applications" chart, indicating when immigrant visa applicants should be notified to assemble and submit required documentation to the National Visa Center.

If USCIS determines that there are more immigrant visas available for the fiscal year than there are known applicants for such visas, the "Dates for Filing Visa Applications" chart" may be used to determine when to file an adjustment of status application with USCIS.

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Can the spouse and unmarried children under 21 of an outstanding professor or researcher gain permanent residency through this classification? If so, what and when can they file?

Yes. The spouse and unmarried children under 21 of an outstanding professor or researcher can gain permanent residency based on the principal alien. Dependents may file Form I-485, *Application for Travel Document* (I-131) and *Application for Employment Authorization* (I-765) concurrently or subsequent to principal alien's I-140 and I-485. To access these Forms, please visit our Forms and Fees website.

If dependents file after the principal alien files his or her I-485, dependents must wait until the principal applicant receives a Form I-797, *Notice of Action* from USCIS. Thereafter, dependents must include a copy of the principal applicant's Form I-797 with their filings. The principal's *Notice of Action* will facilitate matching dependent's subsequent filings with the principal's file, thereby reducing the chances of delays in the file routing.

Does an alien under this classification, with a pending I-485 based on employment, have to obtain work authorization to continue working in the U.S.?

An alien under this classification will have to obtain work authorization to work in the U.S. unless in possession of one of the following:

- A valid H-1B status; or
- A valid L-1 status.

Does an alien under this classification, with a pending I-485 based on employment, have to obtain advance parole before leaving the U.S. to reenter the U.S. after travel abroad?

An alien under this classification will have to obtain an advance parole before leaving the U.S. in order to reenter the U.S. after travel abroad unless in possession of one of the following:

- A valid H-1B visa; or
- A valid L-1 visa.

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Is an alien who obtains permanent residency through this classification obligated to continue working for the employer who filed the petition on their behalf?

Due to the American Competitiveness in the Twenty-First Century Act (AC21), an individual whose petition for adjustment of status has been filed and has remained unadjudicated for 180 days or more may change employers if the new job is in the same or similar occupational classification as the job for which the petition was filed.

What is VIBE?

The Web-based *Validation Instrument for Business Enterprises* (Vibe) is a tool designed to enhance USCIS's adjudications of certain employment-based immigration petitions. Vibe uses commercially available data from an independent information provider (IIP) to validate basic information about companies or organizations petitioning to employ alien workers. Currently, the independent information provider for the VIBE program is Dun and Bradstreet (D&B).

For more information about VIBE, please visit our website at www.uscis.gov/vibe.

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Chapter 1	EB-1 - Extraordinary Ability, Professors, Researchers, or Executives
Unit 3	EB-1 Priority Workers - Multinational Executive or Manager

OVERVIEW

The purpose of this classification is to allow aliens who are executives and managers of U.S. companies or foreign companies with branches, affiliates, branches or subsidiaries in the U.S., and who are seeking to enter the U.S to continue service to that company, to immigrate permanently to the United States.

To qualify for admission as an immigrant, a multinational executive or manager must have been employed in a managerial or executive capacity for at least one out of the past three years. The past employment must be with the same employer, an affiliate, parent company, or subsidiary. The petitioning employer must have been doing business in the U.S. for at least one year. To apply for a visa for a multinational executive or manager, the employer must submit a Form I-140, *Immigrant Petition for Alien Worker*, to USCIS. The employer who submits a Form I-I40 on behalf of the foreign national is called the "petitioner." The employee is called the "beneficiary."

Definitions

- What does "doing business" mean?
- What does "executive capacity" mean?
- What does "managerial capacity" mean?
- What does "multinational mean?

Eligibility and Evidence Requirements

- Can an alien file for him/herself under this classification?
- Does the business filing under this classification have to get a labor certification from the Department of Labor?
- How does the employer apply for permanent residency for an alien who is a multinational executive or manager?
- What initial requirements does the petitioner/company/business have to meet?
- What evidence can the petitioner provide to demonstrate they meet these initial requirements?
- What initial requirements or qualification does the alien beneficiary have to meet?
- What initial evidence can the employer provide to demonstrate that the alien beneficiary meets these requirements?

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Filing Process Questions

- What is NAICS?
- Where can the employer obtain the North American Industry Classification System (NAICS) code?
- What is SOC?
- Where can the employer obtain the Standard Occupation Classification (SOC) System codes?
- Is the alien beneficiary filing under this classification eligible to file the Application to Register Permanent Residence or Adjust Status (I-485) concurrently with the Petition for Alien Worker (I-140)?
- How can the employer check for visa availability?
- Can the spouse and unmarried children under 21 of an outstanding professor or researcher gain permanent residency through this classification? If so, what and when can they file?
- Where does the employer file the Petition for Alien Worker (Form I-140)?
- What is the filing fee for the I-140?
- What is the filing fee for a concurrently filed I-485 and I-140?
- How long will it take USCIS to process my petition?

Other FAQs

- Does an alien under this classification, with a pending I-485 based on employment, have to obtain work authorization to continue working in the U.S.?
- Does an alien under this classification, with a pending I-485 based on employment, have to obtain advance parole before leaving the U.S. to reenter the U.S. after travel abroad?
- Is an alien who obtains permanent residency through this classification obligated to continue working for the employer who filed the petition on their behalf?
- What is VIBE?

Self-guided information in helping an employee in this category immigrate

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What does "doing business" mean?

Doing business means the regular, systematic, and continuous provision of goods and/or services by a firm, corporation, or other entity and does not include the mere presence of an agent or office.

What does "executive capacity" mean?

Executive capacity means an assignment within an organization in which the employee primarily:

- Directs the management of the organization or a major component or function of the organization;
- Establishes the goals and policies of the organization, component, or function;
- Exercises wide latitude in discretionary decision-making; and
- Receives only general supervision or direction from higher-level executives, the board of directors, or stockholders of the organization.

What does "managerial capacity" mean?

Managerial capacity means an assignment within an organization in which the employee primarily:

- Manages the organization, or a department, subdivision, function, or component of the organization;
- Supervises and controls the work of other supervisory, professional, or managerial employees, or manages an essential function within the organization, or a department or subdivision of the organization;
- If another employee or other employees are directly supervised, has the authority to hire and fire or recommend those as well as other personnel actions, or, if no other employee is directly supervised, functions at a senior level within the organizational hierarchy or with respect to the function; and
- Exercises direction over the day-to-day operations of the activity or function for which the employee has authority.

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What does "multinational" mean?

Multinational means that the qualifying business entity, or its affiliate or subsidiary, conducts business in two or more countries, one of which is the United States.

Can an alien file for him/herself under this classification?

No. A United States employer must petition for the alien under this classification.

Does the business filing under this classification have to get a labor certification from the Department of Labor?

No. Labor certification is not required for this classification. However, there must be an offer of employment from a prospective United States employer.

What initial requirements does the petitioner/company/business have to meet?

The prospective employer must be a U.S. employer, demonstrate the ability to pay the proffered wage, be the same employer or a subsidiary or affiliate of the firm or corporation or other legal entity that employed the alien overseas, and must have been doing business for at least one year.

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How does the employer apply for permanent residency for an alien who is a multinational executive or manager?

The employer seeking permanent residency for an alien who is a multinational executive or manager follows the process in the following table.

Stage	Action
1	The employer files a Petition for Alien Worker, Form I-140, and the offer of employment with USCIS. **Note to Representative**: Premium Processing may now be available for Form I-140. For further information, please see Volume 3. Also, it is possible for the alien beneficiary to file the I-485 concurrently with the I-140 if a visa number is available.
2	Upon approval of the I-140, the alien beneficiary files for adjustment of status if a visa number is available and the individual is in the U.S. If the beneficiary is outside the United States when an immigrant visa number becomes available, he or she will be notified and must complete the process at his or her nearest U.S. consulate office.
3	If the I-485 is approved, the beneficiary is granted permanent resident status and will be sent a permanent resident card in the mail. If the beneficiary went through the immigrant visa process overseas, beneficiary enters the United States and receives an endorsed immigrant visa attached to his/her passport at the port of entry to serve as evidence of status until they receive their permanent resident card in the mail.

What evidence can the petitioner provide to demonstrate they meet these initial requirements?

Evidence of the ability to pay proffered wage shall be either in the form of copies of annual reports, federal tax returns, or audited financial statements.

Evidence of the fact that the petitioner is the same employer and has been doing business for a year shall be a statement that indicates the alien:

- Is to be employed by the same employer or a subsidiary or affiliate by which the alien was employed abroad; and
- The employer has been doing business for one year.

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What initial requirements or qualifications does the alien beneficiary have to meet?

The multinational manager or executive must have:

- Been employed for at least one year outside the U.S. in the three years immediately preceding the filing of the petition by the company, if the beneficiary is outside the U.S.;
- Been employed for at least one year in the three years preceding entry as a nonimmigrant, if the beneficiary is already in the U.S. working for the same employer or a subsidiary or affiliate by which the alien was employed abroad;
- The employment outside the United States must have been in a managerial or executive capacity and with the same employer, an affiliate, or a subsidiary of the employer.

What initial evidence can the employer provide to demonstrate that the alien beneficiary meets these requirements?

The employer must provide a statement stating that the employee has:

- Been employed for at least one year outside the U.S. in the three years immediately preceding the filing of the petition by the company, if the beneficiary is outside the U.S.;
- Been employed for at least one year in the three years preceding entry as a nonimmigrant, if the beneficiary is already in the U.S. working for the same employer or a subsidiary or affiliate by which the alien was employed abroad;
- The employment outside the United States must have been in a managerial or executive capacity and with the same employer, an affiliate, or a subsidiary of the employer.

What is NAICS?

NAICS is the North American Industry Classification System that is used to classify business establishments and is used by USCIS for internal adjudicative purposes.

Where can the employer obtain the North American Industry Classification System (NAICS) code?

The North American Industry Classification System (NAICS) code can be obtained from the Department of Commerce, U.S. Census Bureau website at www.census.gov/epcd/www/naics.html.

What is SOC?

SOC is the Standard Occupational Classification (SOC) System that is used to classify occupations and is used by USCIS for internal adjudicative purposes.

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Where can the employer obtain the Standard Occupational Classification (SOC) System codes?

The Standard Occupational Classification (SOC) System codes can be obtained from the Department of Labor, U.S. Bureau of Labor Statistics www.bls.gov/soc/home.htm.

Is the alien beneficiary filing under this classification eligible to file the *Application to Register Permanent Residence or Adjust Status* (I-485) concurrently with the *Petition for Alien Worker* (I-140)?

The ***Application to Register Permanent Residence or Adjust Status* (I-485)** may be filed concurrently with the ***Immigrant Petition for Alien Worker* (I-140)** when a visa is immediately available. Also, if an employment-based petition is pending and no Form I-485 has been filed, the alien may still obtain the benefits of concurrent filing by filing an I-485 at any time as long as a visa would be available to him or her.

How can the employer check for visa availability?

The employer can check for visa availability by accessing the Department of State's Visa Bulletin on their website. Beginning with the October 2015 visa bulletin, the Department of State will publish two charts:

- An "Application Final Action Dates" chart, which shows what priority dates are currently for the purpose of issuing immigrant visas and when individuals may file their adjustment of status application, and
- A "Dates for Filing Visa Applications" chart, indicating when immigrant visa applicants should be notified to assemble and submit required documentation to the National Visa Center.

If USCIS determines that there are more immigrant visas available for the fiscal year than there are known applicants for such visas, the "Dates for Filing Visa Applications" chart" may be used to determine when to file an adjustment of status application with USCIS.

Can the spouse and unmarried children under 21 of a multinational executive or manager gain permanent residency through this classification? If so, what and when can they file?

Yes. The spouse and unmarried children under 21 of a multinational executive or manager can gain permanent residency based on the principal alien. Dependents may file Form I-485, *Application for Travel Document* (I-131) and *Application for Employment Authorization* (I-765) concurrently or subsequent to principal alien's I-140 and I-485. To access these Forms, please visit our Forms and Fees website.

If dependents file after the principal alien files his or her I-485, dependents must wait until the principal applicant receives a Form I-797, *Notice of Action* from USCIS. Thereafter, dependents must include a copy of the principal applicant's Form I-797 with their filings. The principal's *Notice of Action* will facilitate matching dependent's subsequent filings with the principal's file, thereby reducing the chances of delays in the file routing.

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Does an alien under this classification, with a pending I-485 based on employment, have to obtain work authorization to continue working in the U.S.?

An alien under this classification will have to obtain work authorization to work in the U.S. unless in possession of one of the following:

- Valid H-1B status; or
- Valid L-1 status.

Does an alien under this classification, with a pending I-485 based on employment, have to obtain advance parole before leaving the U.S. to reenter the U.S. after travel abroad?

An alien under this classification will have to obtain an advance parole before leaving the U.S. to reenter the U.S. after travel abroad unless in possession of one of the following:

- A valid H-1B visa; or
- A valid L-1 visa.

Is an alien who obtains permanent residency through this classification obligated to continue working for the employer who filed the petition on their behalf?

Due to the American Competitiveness in the Twenty-First Century Act (AC21), an individual whose petition for adjustment of status has been filed and has remained unadjudicated for 180 days or more may change employers if the new job is in the same or similar occupational classification as the job for which the petition was filed.

What is VIBE?

The Web-based *Validation Instrument for Business Enterprises* (Vibe) is a tool designed to enhance USCIS's adjudications of certain employment-based immigration petitions. Vibe uses commercially available data from an independent information provider (IIP) to validate basic information about companies or organizations petitioning to employ alien workers. Currently, the independent information provider for the VIBE program is Dun and Bradstreet (D&B).

For more information about VIBE, please visit our website at www.uscis.gov/vibe.

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Chapter 2 EB-2 - Exceptional Ability in the Sciences, Arts, or Business

OVERVIEW

The purpose of this classification is to allow aliens who are professionals with advanced degrees or persons with exceptional ability in the sciences, arts, or business to immigrate permanently to the United States with the intent of working in a permanent position for a U.S. employer.

To demonstrate that an employee or prospective employee is a person of exceptional ability in the sciences, arts, or business, an employer must submit a Form I-140, "Immigrant Petition for Alien Worker," to USCIS. Normally, an employer, who submits a petition for an employee in this visa preference category, must first file for labor certification with the U.S. Department of Labor. The employer must then submit a copy of the labor certification, approved by the Department of Labor, to USCIS along with Form I-140. However, there is an exception or "waiver" to this requirement if the individual's employment would be in the "national interest".

The approval of a "National Interest Waiver" by USCIS is discretionary. National Interest waivers are reviewed on a case-by-case basis. While there are other requirements, a petitioner who requests a National Interest Waiver should be able to establish that employment of the foreign national will fulfill at least one of the following criteria: improve the U.S. economy; improve the wages and working conditions of U.S. workers; improve education or training programs for U.S. children and under-qualified workers; improve health care; provide more affordable housing for poor U.S. residents; improve the environment and make more productive use of natural resources; or show that the employment is at the request of a U.S. Government agency.

FAQs about the USCIS Immigrant Fee

FAQs

- How can I request the consolidated processing of multiple successor-in-interest cases due to a transfer in ownership of the petitioning business?

Definitions

- What is considered an "advanced degree"?
- What is considered exceptional ability in the sciences, arts, or business?
- How is a profession defined for this classification?

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Eligibility and Evidence Requirements

- Can an alien file for him/herself under this classification?
- Does the business filing under this classification have to get a labor certification from the Department of Labor?
- How does the employer apply for permanent residency for an alien who is a professional with an advanced degree or a person with exceptional ability in the sciences, art, or business?
- What initial requirements does the petitioner/company/business have to meet?
- What evidence can the petitioner provide to demonstrate the ability to pay the proffered wage?
- What initial requirements or qualifications does an alien who is a professional with an advanced degree have to meet?
- What initial evidence can the employer provide to demonstrate that a professional with an advanced degree meets these requirements?
- What initial requirements or qualifications does an alien who is a person with exceptional ability in the sciences, arts, or business beneficiary have to meet?
- What initial evidence can the employer provide to demonstrate that a person with exceptional ability in the sciences, arts, or business meets these requirements?

Filing Process Questions

- What is NACIS?
- Where can the employer obtain the North American Industry Classification System (NAICS) code?
- What is SOC?
- Where can the employer obtain the Standard Occupation Classification (SOC) System codes?
- Is the alien beneficiary filing under this classification eligible to file the Application to Register Permanent Residence or Adjust Status (I-485) concurrently with the Petition for Alien Worker (I-140)?
- How can the employer check for visa availability?
- Can the spouse and unmarried children under 21 of a professional with an advanced degree or a person with exceptional ability in the sciences, arts, or business gain permanent residency through this category? If so, what and when can they file?
- Where does the employer file the Petition for Alien Worker (Form I-140)?
- What is the filing fee for the I-140?
- What is the filing fee for a concurrently filed I-485 and I-140?
- How long will it take USCIS to process my petition?

Other FAQs

- Does an alien under this classification, with a pending I-485 based on employment, have to obtain work authorization to continue working in the U.S.?
- Does an alien under this classification, with a pending I-485 based on employment, have to obtain advance parole before leaving the U.S. to reenter the U.S. after travel abroad?
- Is an alien who obtains permanent residency through this classification obligated to continue working for the employer who filed the petition on their behalf?
- What is VIBE?

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What is considered an "advanced degree"?

Advanced degree means any United States academic or professional degree or a foreign equivalent degree above that of bachelor's degree.
In addition, a United States bachelor's degree or a foreign equivalent degree followed by at least five years of progressive experience in the specialty shall be considered the equivalent of a master's degree.

What is considered exceptional ability in the sciences, arts, or business?

Exceptional ability in the sciences, arts, or business means a degree of expertise significantly above that ordinarily encountered in the sciences, arts, or business.

How is a profession defined for this classification?

Profession means one of the occupations that are recognized as such by immigration law, as well as any occupation for which a United States baccalaureate degree or its foreign equivalent is the minimum requirement for entry into the occupation.

Note to Representative: If the employer wants to know whether or not immigration law covers a particular occupation, please transfer the call to Tier 2, UNLESS Tier 2 live assistance is unavailable.

Can an alien file for him/herself under this classification?

No. A United States employer must petition for the alien under this classification. An exception is if an alien is seeking a national interest waiver.

Does the business filing under this classification have to get a labor certification from the Department of Labor?

Yes. Labor certification must be obtained from the Department of Labor by filing an *Application for Permanent Employment Certification* (ETA 9089). An exception is if an alien is seeking a national interest waiver.

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How does the employer apply for permanent residency for an alien who is a professional with an advanced degree or a person with exceptional ability in the sciences, arts, or business?

The employer seeking permanent residency for an alien who is a professional with an advanced degree or a person with exceptional ability in the sciences, arts, or business follows the process in the following table:

Stage	Action
1	The employer files an Application for Permanent Employment Certification, ETA 9089, with the Department of Labor. If the alien is seeking a national interest waiver, labor certification is not required.
2	The employer files a Petition for Alien Worker, Form I-140, and the approved labor certification request with USCIS. Effective July 16, 2007, once you have obtained the approved labor certification from the Department of Labor you must file it in support of the Form I-140 within 180 calendar days of the approval. USCIS must receive the Form I-140 with the supporting approved labor certification on or before the 180th day of validity. USCIS will reject any I-140 filed with a supporting approved labor certification that is expired. **Note to Representative**: Premium Processing may now be available for Form I-140. For further information, please see Volume 3. Also, it is possible for the alien beneficiary to file the I-485 concurrently with the I-140 if a visa number is available.
3	Upon approval of I-140, the alien beneficiary files for adjustment of status if a visa number is available and the individual is in the U.S. If the beneficiary is outside the United States when an immigrant visa number becomes available, he or she will be notified and must complete the process at his or her nearest U.S. consulate office.
4	If the I-485 is approved, the beneficiary is granted permanent resident status and will be sent a permanent resident card in the mail. If the beneficiary went through the immigrant visa process overseas, beneficiary enters the United States and receives an endorsed immigrant visa attached to his/her passport at the port of entry to serve as evidence of status until they receive their permanent resident card in the mail.

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What initial requirements does the petitioner/company/business have to meet?

The prospective employer must be a U.S. employer and demonstrate the ability to pay the proffered wage.

What evidence can the petitioner provide to demonstrate the ability to pay the proffered wage?

Evidence of the ability to pay the proffered wage shall be either in the form of copies of annual reports, federal tax returns, or audited financial statements.

What initial requirements or qualifications does an alien who is a professional with an advanced degree have to meet?

The alien must have a U.S. advanced degree or a foreign equivalent degree, or have a U.S. bachelor's degree or a foreign equivalent degree and at least 5 years of progressive post-baccalaureate experience in the specialty.

What initial evidence can the employer provide to demonstrate that a professional with an advanced degree meets these requirements?

To show that the alien is a professional holding an advanced degree, the petition must be accompanied by:

- An official academic record showing that the alien has a
  a) United States advanced degree
  b) Or a foreign equivalent degree;

Or

- An official academic record showing that the alien has a
  a) United States bachelors degree
  b) Or a foreign equivalent degree,
  c) And evidence in the form of letters from current or former employer(s) showing that the alien has at least five years of progressive post-bachelor experience in the specialty.

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What initial requirements or qualifications does an alien who is a person with exceptional ability in the sciences, arts, or business beneficiary have to meet?

The employer must provide evidence that shows that the alien has a degree of expertise significantly above that ordinarily encountered in the sciences, arts, or business.

What initial evidence can the employer provide to demonstrate that a person with exceptional ability in the sciences, arts, or business meets these requirements?

To show that the alien is an alien of exceptional ability in the sciences, arts, or business, the petition must be accompanied by at least three of the following:

- An official academic record showing that the alien has a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning relating to the area of exceptional ability;
- Evidence in the form of letter(s) from current or former employer(s) showing that the alien has at least 10 years of full-time experience in the occupation for which he or she is being sought;
- A license to practice the profession or certification for a particular profession or occupation;
- Evidence that the alien has commanded a salary, or other remuneration for services, which demonstrates exceptional ability;
- Evidence of membership in professional associations; or
- Evidence of recognition for achievements and significant contributions to the industry or field by peers, governmental entities, or professional or business organizations.

Note to Representative: If the above standards do not readily apply to the beneficiary's occupation, the petitioner may submit comparable evidence to establish the beneficiary's eligibility.

What is NAICS?

NAICS is the North American Industry Classification System that is used to classify business establishments and is used by USCIS for internal adjudicative purposes. The NAICS Code must be listed on the Form I-140.

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Where can the employer obtain the North American Industry Classification System (NAICS) code?

The North American Industry Classification System (NAICS) code can be obtained from the Department of Commerce, U.S. Census Bureau website at www.census.gov/epcd/www/naics.html.

What is SOC?

SOC is the Standard Occupational Classification (SOC) System that is used to classify occupations and is used by USCIS for internal adjudicative purposes. The SOC designation must be listed on the From I-140.

Where can the employer obtain the Standard Occupational Classification (SOC) System codes?

The Standard Occupational Classification (SOC) System codes can be obtained from the Department of Labor, U.S. Bureau of Labor Statistics www.bls.gov/soc/home.htm.

Is the alien beneficiary filing under this classification eligible to file the *Application to Register Permanent Residence or Adjust Status* (I-485) concurrently with the *Petition for Alien Worker* (I-140)?

The ***Application to Register Permanent Residence or Adjust Status* (I-485)** may be filed concurrently with the ***Immigrant Petition for Alien Worker* (I-140)** when a visa is immediately available. Also, if an employment-based petition is pending and no Form I-485 has been filed, the alien may still obtain the benefits of concurrent filing by filing an I-485 at any time as long as a visa would be available to him or her.

How can the employer check for visa availability?

The employer can check for visa availability by accessing the Department of State's Visa Bulletin on their website. Beginning with the October 2015 visa bulletin, the Department of State will publish two charts:

- An "Application Final Action Dates" chart, which shows what priority dates are currently for the purpose of issuing immigrant visas and when individuals may file their adjustment of status application, and
- A "Dates for Filing Visa Applications" chart, indicating when immigrant visa applicants should be notified to assemble and submit required documentation to the National Visa Center.

If USCIS determines that there are more immigrant visas available for the fiscal year than there are known applicants for such visas, the "Dates for Filing Visa Applications" chart" may be used to determine when to file an adjustment of status application with USCIS.

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Can the spouse and unmarried children under 21 of a professional with an advanced degree or a person with exceptional ability in the sciences, arts, or business gain permanent residency through this category? If so, what and when can they file?

Yes. The spouse and unmarried children under 21 of a professional with an advanced degree or a person with exceptional ability in the sciences, arts, or business can gain permanent residency based on the principal alien. Dependents may file Form I-485, *Application for Travel Document* (I-131) and *Application for Employment Authorization* (I-765) concurrently or subsequent to principal alien's I-140 and I-485. To access these Forms, please visit our website www.uscis.gov/forms.

If dependents file after the principal alien files his or her I-485, dependents must wait until the principal applicant receives a Form I-797, *Notice of Action* from USCIS. Thereafter, dependents must include a copy of the principal applicant's Form I-797 with their filings. The principal's *Notice of Action* will facilitate matching dependent's subsequent filings with the principal's file, thereby reducing the chances of delays in the file routing.

Does an alien under this classification with a pending I-485 based on employment have to obtain work authorization to continue working in the U.S.?

An alien under this classification will have to obtain work authorization to work in the U.S. unless in possession of one of the following:

- Valid H-1B status; or
- Valid L-1 status.

Does an alien under this classification with a pending I-485 based on employment have to obtain advance parole before leaving the U.S. to reenter the U.S. after travel abroad?

An alien under this classification will have to obtain an advance parole before leaving the U.S. in order to reenter the U.S. after travel abroad unless in possession of one of the following:

- A valid H-1B visa; or
- A valid L-1 visa.

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Is an alien who obtains permanent residency through this classification obligated to continue working for the employer who filed the petition on their behalf?

Due to the American Competitiveness in the Twenty-First Century Act (AC21), an individual whose petition for adjustment of status has been filed and has remained unadjudicated for 180 days or more may change employers if the new job is in the same or similar occupational classification as the job for which the petition was filed.

Note to Representative: In the case of a national interest waiver, if the waiver was based upon the applicant's work for a particular employer, the applicant may not change employers. However, if the waiver was based upon the applicant's contribution to an industry which could be utilized by another employer, the applicant may be able to change employers.

How can I request the consolidated processing of multiple successor-in-interest cases due to a transfer in ownership of the petitioning business?

Note to Representative: Please transfer the call to Tier 2, UNLESS Tier 2 live assistance is unavailable.

What is VIBE?

The Web-based *Validation Instrument for Business Enterprises* (Vibe) is a tool designed to enhance USCIS's adjudications of certain employment-based immigration petitions. Vibe uses commercially available data from an independent information provider (IIP) to validate basic information about companies or organizations petitioning to employ alien workers. Currently, the independent information provider for the VIBE program is Dun and Bradstreet (D&B).

For more information about VIBE, please visit our website at www.uscis.gov/vibe.

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Chapter 3 EB-3 Skilled Workers, Professionals, and Other Workers

OVERVIEW

The purpose of this classification is to allow aliens who are skilled workers, professionals with bachelor's degrees, and unskilled workers to immigrate permanently to the United States with the intent of working in a permanent position for a U.S. employer.

When submitting an immigrant petition for a foreign national in the category of a skilled worker, professional, or unskilled worker, an employer must first obtain a labor certification from the U.S. Department of Labor for the position that is being offered. Once the employer has obtained approval, the employer must submit a copy of the approved certification from the Department of Labor to USCIS along with a Form I-140, *Immigrant Petition for Alien Worker*.
Under this category, a qualified "skilled worker" is a person capable of performing an occupation that requires at least two years of training or experience, which is not of a temporary or seasonal nature, for which qualified workers are not available in the U.S.
Under this category, a "professional" holds a baccalaureate degree and is a member of the professions.
Under this category, other "unskilled workers" are those who are capable of performing unskilled labor that requires less than two years of training or experience, which is not of a temporary or seasonal nature, for which qualified workers are not available in the U.S.

FAQs about the USCIS Immigrant Fee

FAQs

- How can I request the consolidated processing of multiple successor-in-interest cases due to a transfer in ownership of the petitioning business?

Definitions

- What does “skilled worker” mean?
- What does “professional” mean?
- What does “other worker” mean?

Continued on next page

Eligibility and Evidence Requirements

- Can an alien file for him/herself under this classification?
- Does the business filing under this classification have to get a labor certification from Department of Labor?
- How does the employer apply for permanent residency for an alien who is a skilled worker, professional, and other worker?
- What initial requirements does the petitioner/company/business have to meet?

Filing Process Questions

- What evidence can the petitioner provide to demonstrate the ability to pay the proffered wage?
- What initial requirements or qualifications does an alien who is a skilled worker, professional, and other worker have to meet?
- What initial evidence can the employer provide to demonstrate that a skilled worker, professional, and other worker meet these requirements?
- What is NAICS?
- Where can the employer obtain the North American Industry Classification System (NAICS) code?
- What is SOC?
- Where can the employer obtain the Standard Occupation Classification (SOC) System codes?
- Is the alien beneficiary filing under this classification eligible to file the Application to Register Permanent Residence or Adjust Status (I-485) concurrently with the Petition for Alien Worker (I-140)?
- How can the employer check for visa availability?
- Can the spouse and unmarried children under 21 of a skilled worker, professional and other worker gain permanent residency through this category? If so, what and when can they file?
- Where does the employer file the Petition for Alien Worker (Form I-140)?
- What is the filing fee for the I-140?
- What is the filing fee for a concurrently filed I-485 and I-140?
- How long will it take USCIS to process my petition?

Other FAQs

- Does an alien under this classification with a pending I-485 based on employment have to obtain work authorization to continue working in the U.S.?
- Does an alien under this classification with a pending I-485 based on employment have to obtain advance parole before leaving the U.S. to reenter the U.S. after travel abroad?
- Is an alien who obtains permanent residency through this classification obligated to continue working for the employer who filed the petition on their behalf?
- What is Vibe?

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What does "skilled worker" mean?

Skilled worker means an alien who, at the time the petition is filed, meets the following:

- Capable of performing skilled labor which requires at least two years training or experience,
- Employment is not of a temporary or seasonal nature, and
- Qualified workers are not available in the United States.

What does "professional" mean?

Professional means a qualified alien who holds at least a United States bachelor's degree or a foreign equivalent degree and who is a member of the professions.

What does "other worker" mean?

Other worker means a qualified alien who, at the time the petition is filed, meets the following:

- Capable of performing unskilled labor which requires less than two years training or experience,
- Employment is not of a temporary or seasonal nature, and
- Qualified workers are not available in the United States.

Can an alien file for him/herself under this classification?

No. A United States employer must petition for the alien under this classification.

Does the business filing under this classification have to get a labor certification from the Department of Labor?

Yes. Labor certification must be obtained from the Department of Labor by filing an *Application for Permanent Employment Certification* (ETA 9089).

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How does the employer apply for permanent residency for an alien who is a skilled worker, professional, and other worker?

The employer seeking permanent residency for an alien, who is a skilled worker, professional, and other worker follows the process in the following table:

Stage	Action
1	The employer files an Application for Permanent Employment Certification, ETA 9089, with the Department of Labor.
2	The employer files a Petition for Alien Worker, Form I-140, and the approved labor certification request with USCIS. Effective July 16, 2007, once you have obtained the approved labor certification from the Department of Labor you must file it in support of the Form I-140 within 180 calendar days of the approval. USCIS must receive the Form I-140 with the supporting approved labor certification on or before the 180th day of validity. USCIS will reject any I-140 filed with a supporting approved labor certification that is expired. **Note to Representative**: Premium Processing may now be available for Form I-140. For further information, please see Volume 3. Also, it is possible for the alien beneficiary to file the I-485 concurrently with the I-140 if a visa number is available.
3	Upon approval of I-140, the alien beneficiary files for adjustment of status if a visa number is available and the individual is in the U.S. If the beneficiary is outside the United States when an immigrant visa number becomes available, he or she will be notified and must complete the process at his or her nearest U.S. consulate office.
4	If the I-485 is approved, the beneficiary is granted permanent resident status and will be sent a permanent resident card in the mail. If the beneficiary went through the immigrant visa process overseas, beneficiary enters the United States and receives an endorsed immigrant visa attached to his/her passport at the port of entry to serve as evidence of status until they receive their permanent resident card in the mail.

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What initial requirements does the petitioner/company/business have to meet?

The prospective employer must be a U.S. employer and demonstrate the ability to pay the proffered wage.

What evidence can the petitioner provide to demonstrate the ability to pay the proffered wage?

Evidence of the ability to pay the proffered wage shall be either in the form of copies of annual reports, federal tax returns, or audited financial statements.

What initial requirements or qualifications does an alien who is a skilled worker, professional, and other worker have to meet?

In order to meet the initial qualifications for the skilled workers, professionals or other workers classifications:

- Skilled workers cannot work in seasonal or temporary employment and require at least two years of experience or training. The training requirement may be met through relevant post-secondary education (i.e. trade school).
- Professionals must hold an U.S. bachelor's degree or foreign equivalent degree that is normally required for the profession. A combination of education and experience may not be substituted for the degree.
- Other workers (i.e., unskilled workers) must work in positions that require less than two years of higher education, training, or experience. The employment cannot be of a seasonal or temporary nature.

How can I request the consolidated processing of multiple successor-in-interest cases due to a transfer in ownership of the petitioning business?

Note to Representative: Please transfer the call to Tier 2, UNLESS Tier 2 live assistance is unavailable.

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What initial evidence can the employer provide to demonstrate that a skilled worker, professional, and other worker meet these requirements?

The following table indicates the initial evidence needed to meet the preliminary requirements for skilled worker, professional or other worker positions.

If the employee is a...	Then the employer must file the following initial evidence with the I-140 petition:
Skilled Worker	Letters that demonstrate that the alien meets the 2-year educational and training requirement and any other requirements of the individual labor certification. In addition, supplying the following information from trainers: • Name, address, and title of the trainer and • A description of the training received. Letters that demonstrate that the alien meets the 2-year experience requirement and any other requirements of the individual labor certification. In addition, supplying the following information from employers • Name, address, and title of the employer and • The experience of the alien.
Professional	To show evidence that the alien holds a United States bachelor's degree or a foreign equivalent degree, the employer must supply: • An official college or university record showing the date the bachelor's degree was awarded and the area of concentration of study. To show that the alien is a member of the professions, the employer must submit evidence: • That the minimum of a bachelor's degree is required for entry into the occupation. If there are any additional requirements of training or experience the employer should supply the following: Letters that demonstrate that the alien meets the training requirement of the individual labor certification. In addition, supplying the following information from trainers: • Name, address, and title of the trainer and • A description of the training received. Letters that demonstrate that the alien meets the experience requirement of the individual labor certification. In addition, supplying the following information from employers: • Name, address, and title of the employer and • The experience of the alien.
Other Worker	To show evidence that the alien meets any educational, training and experience, and other requirements of the labor certification the employer must supply: Letters that demonstrate that the alien meets the training requirement of the individual labor certification. In addition, supplying the following information from trainers: • Name, address, and title of the trainer and • A description of the train ing received. Letters that demonstrate that the alien meets the experience requirement of the individual labor certification. In addition, supplying the following information from employers: • Name, address, and title of the employer and • The experience of the alien.

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What is NAICS?

NAICS is the North American Industry Classification System that is used to classify business establishments and is used by USCIS for internal adjudicative purposes. The NAICS Code must be listed on the Form I-140.

Where can the employer obtain the North American Industry Classification System (NAICS) code?

The North American Industry Classification System (NAICS) code can be obtained from the Department of Commerce, U.S. Census Bureau website at www.census.gov/epcd/www/naics.html.

What is SOC?

SOC is the Standard Occupational Classification (SOC) System that is used to classify occupations and is used by USCIS for internal adjudicative purposes. The SOC designation must be listed on the Form I-140.

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Where can the employer obtain the Standard Occupational Classification (SOC) System codes?

The Standard Occupational Classification (SOC) System codes can be obtained from the Department of Labor, U.S. Bureau of Labor Statistics www.bls.gov/soc/home.htm.

Is the alien beneficiary filing under this classification eligible to file the *Application to Register Permanent Residence or Adjust Status* (I-485) concurrently with the *Petition for Alien Worker* (I-140)?

The ***Application to Register Permanent Residence or Adjust Status* (I-485)** may be filed concurrently with the ***Immigrant Petition for Alien Worker* (I-140)** when a visa is immediately available. Also, if an employment-based petition is pending and no Form I-485 has been filed, the alien may still obtain the benefits of concurrent filing by filing an I-485 at any time as long as a visa would be available to him or her.

How can the employer check for visa availability?

The employer can check for visa availability by accessing the Department of State's Visa Bulletin on their website. Beginning with the October 2015 visa bulletin, the Department of State will publish two charts:

- An "Application Final Action Dates" chart, which shows what priority dates are currently for the purpose of issuing immigrant visas and when individuals may file their adjustment of status application, and
- A "Dates for Filing Visa Applications" chart, indicating when immigrant visa applicants should be notified to assemble and submit required documentation to the National Visa Center.

If USCIS determines that there are more immigrant visas available for the fiscal year than there are known applicants for such visas, the "Dates for Filing Visa Applications" chart" may be used to determine when to file an adjustment of status application with USCIS.

Can the spouse and unmarried children under 21 of a skilled worker, professional or other worker gain permanent residency through this category? If so, what and when can they file?

Yes. The spouse and unmarried children under 21 of a skilled worker, professional, or other worker can gain permanent residency based on the principal alien. Dependents may file Form I-485, *Application for Travel Document* (I-131) and *Application for Employment Authorization* (I-765) concurrently or subsequent to principal alien's I-140 and I-485.

If dependents file after the principal alien files his or her I-485, dependents must wait until the principal applicant receives a Form I-797, *Notice of Action* from USCIS. Thereafter, dependents must include a copy of the principal applicant's Form I-797 with their filings. The principal's *Notice of Action* will facilitate matching dependent's subsequent filings with the principal's file, thereby reducing the chances of delays in the file routing. To access these Forms, please visit our Forms and Fees website.

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Does an alien under this classification with a pending I-485 based on employment have to obtain work authorization to continue working in the U.S.?

An alien under this classification will have to obtain work authorization to work in the U.S. unless in possession of one of the following:

- A valid H-1B status; or
- A valid L-1 status.

Does an alien under this classification with a pending I-485 based on employment have to obtain advance parole before leaving the U.S. to reenter the U.S. after travel abroad?

An alien under this classification will have to obtain an advance parole before leaving the U.S. to reenter the U.S. after travel abroad unless in possession of one of the following:

- A valid H-1B visa; or
- A valid L-1 visa.

Is an alien who obtains permanent residency through this classification obligated to continue working for the employer who filed the petition on their behalf?

Due to the American Competitiveness in the Twenty-First Century Act (AC21), an individual whose petition for adjustment of status has been filed and has remained unadjudicated for 180 days or more may change employers if the new job is in the same or similar occupational classification as the job for which the petition was filed.

What is VIBE?

The Web-based *Validation Instrument for Business Enterprises* (Vibe) is a tool designed to enhance USCIS's adjudications of certain employment-based immigration petitions. Vibe uses commercially available data from an independent information provider (IIP) to validate basic information about companies or organizations petitioning to employ alien workers. Currently, the independent information provider for the VIBE program is Dun and Bradstreet (D&B).

For more information about VIBE, please visit our website at www.uscis.gov/vibe.

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Chapter 4 EB-4 Certain Religious Workers

OVERVIEW

An immigrant religious worker falls into a special visa preference category. An immigrant religious worker is a foreign national who has:

1. for the two years prior to filing the immigrant visa petition been a member of a religious denomination which has a bona fide, non-profit religious organization in the United States; and

2. seeks to enter the U.S, to work full time in a compensated position, solely to carry on his or her vocation as a minister, seeks to work in a professional or nonprofessional capacity in a religious vocation or occupation for a bona fide, nonprofit religious organization in the U.S. or its affiliate in the U.S; and

3. has been working as a minister or in a religious vocation or occupation, either abroad or in the U.S. for at least the two year period immediately preceding the filing of the petition.

In most situations, the employer submits a Form I-360, *Petition for Amerasian, Widow/Widower, or Special Immigrant*, to USCIS on behalf of the foreign national. However, the foreign national may also submit a Form I-360 on his own behalf. Effective November 26, 2008 revisions were made to the religious worker regulations. These revisions ensure the integrity of the program while streamlining the process for legitimate petitioners.

Note to Representative: There are other classifications that fall under this visa category. If you should receive any calls on these other classifications, please transfer the call to Tier 2, UNLESS Tier 2 live assistance is unavailable.
Those other classifications are as follows: Panama Canal Company Employee or Canal Zone Government Employee; U.S. Government in the Canal Zone Employee; Physician; International Organization Employee or Family Member; Armed Forces Member; or Iraqi or Afghan U.S Military Translators.

FAQs about the USCIS Immigrant Fee

Definitions

- What is considered a "bona fide nonprofit religious organization"?
- What is considered a "bona fide organization, which is affiliated with the religious denomination"?
- What does "minister" mean?
- What does "professional capacity" mean?
- What is considered a "religious denomination"?
- What does "religious occupation" mean?
- What does "religious vocation" mean?

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Eligibility and Evidence Requirements

- Can an alien file for him/herself under this classification?
- Does the religious organization or the self-petitioning alien filing under this classification have to get a labor certification from the Department of Labor?
- How does the employer or self-petitioning alien apply for permanent residency for an alien who is a religious worker?
- Is there an expiration date on the religious worker classification?
- What evidence can the petitioner provide to demonstrate that the religious organization is a bona fide non-profit organization and that the alien will not be solely dependent on supplemental employment or solicitation of funds for support?
- What initial requirements or qualification does an alien who is a religious worker have to meet?
- What initial evidence should the employer or self-petitioning alien provide?
- Will USCIS be conducting on-site inspections?
- Who will be conducting the site visits?
- What specific tasks will the site inspectors perform?
- What is VIBE?

Filing Process Questions

- Is a religious worker filing under this classification eligible to file the Application to Register Permanent Residence or Adjust Status (I-485) concurrently with the Petition for Amerasian, Widow (er), or Special Immigrant?
- Can the spouse and unmarried children under 21 of a religious worker gain permanent residency through this category? If so, what and when can they file?
- How can the employer or the alien check for visa availability?
- Where does the employer or the self-petitioning alien file the Petition for Amerasian, Widow (er), or Special Immigrant (I-360)?
- What is the filing fee for the I-360?
- How long will it take USCIS to process my petition?

FAQs regarding recent changes to filing for adjustment of status to permanent resident due to the court case of *Ruiz-Diaz v. U.S.*

- What did the court decide in Ruiz-Dias v. United States?
- Who is affected by the court's decision?

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What is considered a "bona fide nonprofit religious organization"?

A bona fide nonprofit religious organization is a religious organization exempt from taxation. A bona fide nonprofit religious organization must possess a currently valid IRS section 501(c)(3) determination letter to demonstrate nonprofit status.

What is considered a "bona fide organization, which is affiliated with the religious denomination"?

An organization is considered a "bona fide organization, which is affiliated with the religious denomination" when it is closely associated with the religious denomination, is tax exempt and in possession of a currently valid determination leter from the IRS confirming such exemption.

Affiliated organizations or petitioning organizations that are not classified as religious organizations by the IRS must establish that they are tax-exempt and provide documentation that demonstrates their religious nature and purpose as well as a certification by a tax-exempt religious organization in their denomination. Such organizations must also submit the *Religious Denomination Certification* in the revised Form I-360 (with an edition date of November 26, 2008).

What does "minister" mean?

Minister means an individual duly authorized by a recognized religious denomination to conduct religious worship and to perform other duties usually performed by authorized members of the clergy of that religion.

What does "professional capacity" mean?

Professional capacity means an activity in a religious vocation or occupation that requires the minimum of a United States bachelor's degree or a foreign equivalent degree to perform it.

What is considered a "religious denomination"?

The term *religious denomination* applies to a religious group or community of believers governed or administered under some form of ecclesiastical government. USCIS acknowledges that some denominations lack a central government. Accordingly, the religious entity may satisfy the "ecclesiastical government" requirement by submitting a description of its own internal governing or organizational structure.

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What does "religious occupation" mean?

Religious occupation means an activity that relates to a traditional religious function that is recognized as a religious occupation within the denomination.

What does "religious vocation" mean?

Religious vocation means a formal lifetime committement to a religious way of life life evidenced by vows, investitutures, ceremonies, or similar evidence. The religious denomination must have a class of individuals whose lives are dedicated to religious practices and functions, as compared to secular members. Examples of individuals with a religious vocation include but are not limited to nuns, monks, and religious brothers and sisters.

Can an alien file for him/herself under this classification?

Yes. A religious worker may file for him/herself or the religious organization may file on their behalf under the religious worker classification.

Does the religious organization or the self- petitioning alien filing under this classification have to get a labor certification from the Department of Labor?

Religious workers do not have to obtain labor certification from the Department of Labor to be petitioned for under this classification. However, they must obtain a job offer from an authorized official of the religious organization.

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How does the employer or self-petitioning alien apply for permanent residency for an alien who is a religious worker?

The employer or the self-petitioning alien seeking permanent residency based on the alien being a religious worker follows the process in the following table:

Stages	Action
1	The employer or the self-petitioning alien files a Petition for Amerasian, Widow (er), or Special Immigrant, I-360, with USCIS.
2	Upon approval of I-360, the alien files for adjustment of status if a visa number is available and the individual is in the U.S. If the alien is outside the United States when an immigrant visa number becomes available, he or she will be notified and must complete the process at his or her nearest U.S. consulate office.
3	If the I-485 is approved, the beneficiary is granted permanent resident status and will be sent a permanent resident card in the mail. If the beneficiary went through the immigrant visa process overseas, beneficiary enters the United States and receives an endorsed immigrant visa attached to his/her passport at the port of entry to serve as evidence of status until they receive their permanent resident card in the mail.

Is there an expiration date on the religious worker classification?

Yes. There is an expiration date on the religious worker classification, which is December 11, 2015. If Congress does not extend that date or make the classification permanent, the classification will expire and religious organizations will no longer be able to file I-360 petitions seeking permanent residency for aliens who are religious workers.

Note to Representative: This expiration date only applies to religious workers who are not ministers.

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What evidence can the petitioner provide to demonstrate that the religious organization is a bona fide non-profit organization and that the alien will not be solely dependent on supplemental employment or solicitation of funds for support?

The religious organization must file a currently valid determination letter from the Internal Revenue Service (IRS) showing the tax-exempt status of the petitioning religious organization or group under Internal Revenue Code 501(c)(3).

Affiliated organizations or petitioning organizations that are not classified as religious organizations by the IRS must establish that they are tax-exempt by providing 1) a currently valid determination letter from the IRS establishing that the organization is tax exempt; 2) documentation that demonstrates their religious nature and purpose of the organization, such as a copy of the organizing instrument of the organization, 3) organizational literature, such as books, articles, brochures, calenders or flyers describing the religious purpose and nature of the activities of the organization; and 4) the *Religious Denomination Certification* in the revised Form I-360.

All petitioning organizations must submit evidence of: (1) How the petitioner intends to compensate the worker and (2) past compensation or support to demonstrate the required previous two years of religious work.

What initial requirements or qualifications does an alien who is a religious worker have to meet?

A religious worker must meet the following requirements:

- For at least two years prior to to the filing of the petition, have been a member of a religious denomination that has a bona fide non-profit religious organization in the United States; and

- Seeks to enter the U.S. to work full time in one of the following occupations:
  a) Minister of that religious denomination;
  b) A religious vocation in either a professional or nonprofessional capacity; or
  c) A religious occupation in either a professional or nonprofessional capacity;

- Be coming to work for a bona fide non-profit religious organization or a bona fide organization which is affiliated with the religious denomination in the United States; and

- Must have been performing this religious work for the past two years, either abroad or in the United States.

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What initial evidence should the employer or self-petitioning alien provide?

The bona fide nonprofit religious organization must submit documentary evidence that demonstrates the following:

- That the organization qualifies as a nonprofit organization in the form of:

    a) A currently valid determination letter from the Internal Revenue Service (IRS) showing the tax exempt status of the petitioning religious organization or group under Internal Revenue Code 501(c)(3).

Affiliated organizations or petitioning organizations that are not classified as religious organizations by the IRS must establish that they are tax-exempt by providing 1) a currently valid determination letter from the IRS establishing that the organization is tax exempt; 2) documentation that demonstrates their religious nature and purpose of the organization, such as a copy of the organizing instrument of the organization, 3) organizational literature, such as books, articles, brochures, calenders or flyers describing the religious purpose and nature of the activities of the organization; and 4) the *Religious Denomination Certification* in the revised Form I-360.

- According to Form I-360 and the instructions to the Form, the petitioning religious organization or self-petitioner must submit an Attestation and evidence as required by the Form and Attestation as follows:

    a) That the prospective employer is a bona fide non-profit religious organization or a religious organization which is affiliated with the religious denomination and is exempt from taxation;
    b) The number of members of the prospective employer's organization;
    c) The number of employees working at the same location where the beneficiary will be employed and a summary of the type of responsibilities for their positions;
    d) The number of aliens holding religious worker status (both immigrant and nonimmigrant) currently employed or employed within the past 5 years;
    e) The number of nonimmigrant or immigrant religious worker petitions filed by the prospective employer in the past 5 years;
    f) Whether the alien or his dependent family members had been admitted in R status in the past 5 years;
    g) The relationship between the religious organization in the United States the organization abroad of which the alien is a member;
    h) A description of the prospective employment;
    i) That the prospective employer is willing and able to provide salaried or non-salaried compensation, at a level such that the alien and his dependents will not become a public charge;
    j) That the funds to pay the prospective employee's compensation do not include any monies obtained from the alien, excluding reasonable donations or tithes;
    k) If the position is not a religious vocation, that the prospective employee will not engage in secular employment;
    l) That the prospective employee will be employed for at least 35 hours per week;
    m) That immediately prior to the filing of the petition the prospective employee has the required two years of membership in the denomination and the required two years of experience in the religious vocation, professional religious work, or other religious work;

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Will USCIS be conducting on-site inspections?

Yes. USCIS will be conducting on-site inspections as part of the Administrative Site Visit and Verification Program (ASVVP). The ASVVP is designed to supplement existing DHS and USCIS anti-fraud initiatives. As part of the process, site inspections are conducted to verify that a location of employment exists and to validate information provided on the petition. Inspections may include a tour of the organization's facilities, interviews with organization officials, a review of selected organization records relating to the organization's compliance with immigration laws and regulations, and interviews with any other individuals or review of any other records that USCIS considers relevant to the integrity of the organization. **Note to Representative:** For information about site visits, please see the ASVVP section in Volume 2.

Who will be conducting the site visits?

USCIS Immigration Officers will be conducting site visits through the Administrative Site Visit and Verification Program. Site inspectors receive specialized training specific to conducting site visits. These individuals will be operating under the authority delegated to USCIS by the Secretary of Homeland Security to perform functions under U.S. immigration laws, including verifying information associated with applications or petitions.

What specific tasks will the site inspectors perform?

Site inspectors will verify the existence of a petitioning entity, take digital photos, obtain documents, and speak with organizational representatives to confirm the beneficiary's work location, employment workspace, hours, salary, and duties to assist USCIS in determining whether they are in compliance with the terms and conditions stated in the petition.

Is a religious worker filing under this classification eligible to file the *Application to Register Permanent Residence or Adjust Status* (I-485) concurrently with the *Petition for Amerasian, Widow (er), or Special Immigrant* (I-360)?

Due to the court case of Ruiz-Diaz v. United States, certain aliens were temporarily allowed to concurrently file Form I-360 with Form I-485 and/or I-765 from June 11, 2009 to November 7, 2010. USCIS will no longer accept these concurrent filings. . As of November 8, 2010, any I-485 application where the underlying basis is an I-360 petition seeking the classification of special immigrant religious worker must be filed based on an approved I-360 petition. More information on Ruiz-Diaz v. U.S.

What is VIBE?

The Web-based *Validation Instrument for Business Enterprises* (Vibe) is a tool designed to enhance USCIS's adjudications of certain employment-based immigration petitions. Vibe uses commercially available data from an independent information provider (IIP) to validate basic information about companies or organizations petitioning to employ alien workers. Currently, the independent information provider for the VIBE program is Dun and Bradstreet (D&B).

For more information about VIBE, please visit our website at www.uscis.gov/vibe.

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Can the spouse and unmarried children under 21 of a religious worker gain permanent residency through this category? If so, what and when can they file?

Yes. The spouse and unmarried children under 21 of a religious worker can gain permanent residency based on the principal alien. Dependents may file Form I-485, *Application for Travel Document* (I-131) and *Application for Employment Authorization* (I-765) concurrently or subsequent to the principal alien's filing of Form I-485. To access these Forms, please visit our website at www.uscis.gov.

If dependents file after the principal alien files his or her I-485, dependents must wait until the principal applicant receives a Form I-797, *Notice of Action* from USCIS. Thereafter, dependents must include a copy of the principal applicant's Form I-797 with their filings. The principal's *Notice of Action* will facilitate matching dependent's subsequent filings with the principal's file, thereby reducing the chances of delays in the file routing.

How can the employer or the alien check for visa availability?

The employer can check for visa availability by accessing the Department of State's Visa Bulletin on their website. Beginning with the October 2015 visa bulletin, the Department of State will publish two charts:

- An "Application Final Action Dates" chart, which shows what priority dates are currently for the purpose of issuing immigrant visas and when individuals may file their adjustment of status application, and
- A "Dates for Filing Visa Applications" chart, indicating when immigrant visa applicants should be notified to assemble and submit required documentation to the National Visa Center.

If USCIS determines that there are more immigrant visas available for the fiscal year than there are known applicants for such visas, the "Dates for Filing Visa Applications" chart" may be used to determine when to file an adjustment of status application with USCIS.

What did the court decide in Ruiz-Diaz v. United States?

The district court decided that the concurrent filing regulations (the filing of Form I-485 together with or subsequent to Form I-360) were invalid with regard to religious workers. The court directed USCIS to accept properly filed Forms I-360, Forms I-485, and Forms I-765 from certain religious workers who may have been denied adjustment of status previously and any new filings. However, the Ninth Circuit Court of Appeals overturned this decision and as of November 8, 2010, USCIS no longer accepted concurrently filed applications with the Form I-360 for religious workers. For more information, visit USCIS's webpage on Ruiz-Diaz v. U.S.

Who is affected by the court's decision?

Finding that the concurrent filing regulation at 8 CFR 245.2(a)(2)(i)(B) was invalid and unenforceable, the court's decision affects applicants who previously filed Form I-485 for adjustment of status either together with or subsequent to having filed a Form I-360. Applicants who tried to concurrently file Form I-360 and I-485 on or after July 31, 2002, are now permitted to re-file their Forms I-360, I-485, and I-765 with the California Service Center. The district court's order also required USCIS to accept new concurrently and properly filed Form I-360, I-485, and I-765. USCIS stopped accepting concurrently filed applications with the Form I-360 for religious workers as of November 8, 2010 pursuant to the order of the Court of Appeals overturning the district court order.

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CSR Transfer Statement:

Due to a high volume of calls, we would be happy to take some information from you and refer your inquiry to a USCIS officer to research and respond.

Note to Representative:

- Go to SRMT and take a service request.
  - The Service Request Type will be based on the Transfer Reason
  - In the comments block, state the specific information that the customer is seeking and a brief reason why he or she needed the call escalated.
  - Ensure the caller is within the "acceptable caller type" before taking the service request.
  - Complete the service request and use the routing override capability to select **WKD** as the office for the service request to route to Tier 2.
  - Provide the customer with the referral ID number
  - Advise the customer that a USCIS officer will research their inquiry and contact them within 3 to 5 business days.

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In order to ensure customer privacy and security as well as data integrity, we may only take information regarding cases from the following individuals:

- The applicant/petitioner (The person who signed the application or petition in question)
- Authorized Officer or Employee of Petitioning Company or Organization
- A translator (Only if the applicant/petitioner is present)
- An attorney who claims to have a G-28 on file for the petitioner/applicant OR a paralegal from that attorney's office/firm (ask if the attorney has a G-28 on file).
- A Community-Based Organization (CBO) who is representing the applicant/petitioner and who has a G-28 on file (ask if the CBO has a G-28 on file).
- A parent of an applicant/petitioner who is under age 18.
- A legal guardian of an applicant or petitioner.
- An adult caregiver of the applicant or petitioner (Such as a nurse caring for an elderly or disabled person – if the applicant or petitioner is physically able to speak on the phone, his/her presence should at least be confirmed. If physically unable to speak on the phone , continue as if the caregiver were the applicant/petitioner)

Confirm that the caller meets at least one of the above listed requirements before taking a Service Request. If the caller is not within one of the acceptable caller types listed above, we will not be able to take a service request from the caller.

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Volume 4.5.4 Investors and Traders Last Update: 12/10/15

OVERVIEW

The E1 and E2 nonimmigrant visa categories are comprised of treaty traders and treaty investors entitled to be in the United States under a bilateral treaty of commerce and navigation between the United States and the country of which the treaty trader or investor is a citizen or national.

- The purpose of a treaty trader is to carry on substantial trade in goods, services and technology, principally between the United States and the foreign country of which s/he is a citizen or national.
- The purpose of a treaty investor is to direct the operations of an enterprise in which s/he has invested, or is actively investing, a substantial amount of capital in the United States.

Spouses and unmarried children under the age of 21 of an E1 or E2 nonimmigrant may be granted the same status to accompany the E1 or E2.

Nonimmigrant Treaty Traders, Treaty Investors and Immigrant Alien Entrepreneurs:

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Chapter 1 E1 Treaty Traders

OVERVIEW

The E-1 classification is for a foreign national who is coming to the United States solely to engage in trade of a substantial nature, principally between the United States and the foreign national's country. The trade involved must be the international exchange of items of trade between the United States and a treaty country. Title to the trade item must pass from one treaty party to the other under successfully negotiated contracts that are binding on all parties.

If the foreign national is already inside the United States, the individual must submit a Form I-129, Petition for Non-immigrant Worker, to USCIS in order to request a change of status or an extension of stay. If the foreign national is outside of the United States, the individual must apply for an E-1 visa at a U.S. consular office abroad.

What information or benefit are you seeking?

General FAQs

Filing for E1 Status

Changing Status/Changing Employers/Extension of Stay/Travel/Intent to Become Permanent Resident

Family Members of E-1s

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General FAQs

What is a "Treaty Country"?

What is a Treaty Country Nationality?

What are the requirements for the Treaty Trader Category?

How does USCIS define "trade"?

How much trade is considered "substantial trade"?

What items are considered "items of trade"?

What does "principal trade" mean?

Which countries or regions are on the list for the Treaty Trader Services?

What are "Special Qualifications"?

What is VIBE?

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What is a "Treaty Country"?

A treaty country is a foreign state with which the United States has a qualifying Treaty of Friendship, Commerce, or Navigation or its equivalent.

What is a Treaty Country Nationality?

The authorities of the foreign state of which the alien is a national determine the nationality of an individual treaty trader. In the case of an enterprise or organization, ownership must be traced as best as is practicable to the individuals who are ultimately its owners.

What are the requirements for the Treaty Trader Category?

E1 status is designed for qualifying individuals who are citizens or nationals of countries with a qualifying commerce and navigation treaty with the U.S., and who will only engage in substantial trade in goods, services and technology principally between the U.S. and that foreign country.

How does USCIS define "trade"?

Immigration regulations define trade as the existing international exchange of items of trade for consideration between the United States and the treaty country.

How much trade is considered "substantial trade"?

Substantial trade is an amount of trade sufficient to ensure a continuous flow of international trade items between the United States and the treaty country. Essentially, trade is considered substantial when there are numerous transactions over a period of time and the income derived is sufficient enough to support the treaty trader.

Note to Representative: A one-time transaction, no matter how great the value, does not constitute substantial trade.

What items are considered "items of trade"?

Items of trade include but are not limited to goods, services, international banking, insurance, monies, transportation, communications, data processing, advertising, accounting, design and engineering, management consulting, tourism, technology and its transfer, and some news gathering activities.

What does "principal trade" mean?

Principal trade between the United States and the treaty country exists when over 50 percent of the volume of international trade of the treaty trader is conducted between the United States and the treaty country of the treaty trader's nationality.

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Which countries or regions are on the list for the Treaty Trader Services?

For a list of Treaty Trader countries, please visit the U.S. Department of State's webpage on treaty countries.

What are "Special Qualifications"?

Special qualifications are those skills and/or aptitudes that an employee in a lesser capacity brings to a position or role that are "essential" to the successful or efficient operation of the treaty enterprise.

What is VIBE?

The Web-based *Validation Instrument for Business Enterprises* (Vibe) is a tool designed to enhance USCIS's adjudications of certain employment-based immigration petitions. Vibe uses commercially available data from an independent information provider (IIP) to validate basic information about companies or organizations petitioning to employ alien workers. Currently, the independent information provider for the VIBE program is Dun and Bradstreet (D&B).

For more information about VIBE, please visit our website at www.uscis.gov/vibe.

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Filing for E1 Status

Is labor certification necessary for an E1 status?

How does an individual seeking E1 status for himself/herself or an employee apply for an E1 Treaty Trader status?

Must an individual file the Petition for a Nonimmigrant Worker (Form I-129) to get an E1 status?

Can a U.S. employer file for E1 status for an employee?

Can an employer get E1 status for an employee?

What is the filing fee for the Form I-129 when filing for E1 status?

Where does the employer file the Form I-129?

How can an individual seeking E1 status expedite the Form I-129?

How can an employer check on the status of a pending Form I-129?

Can the E1 employee file the Form I-129 for him/herself?

What requirements must an individual meet to become an E1 Treaty Trader?

What requirements must the employee meet to become an E1 employee?

What initial evidence or documents must be filed with the E1 Nonimmigrant Visa Application at the U.S. Consulate?

Can one petition be filed for the E1 employer and the E1 employee?

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Is labor certification necessary for an E1 status?

Labor certification is not necessary nor a requirement for the E1 classification.

How does an individual seeking E1 status for himself/herself or an employee apply for an E1 Treaty Trader status?

The following table describes the procedures that an individual seeking E1 status for him/herself or for an employee must follow:

If beneficiary is...	Then the beneficiary should file the:
In the United States in a valid nonimmigrant status	Petition for a Nonimmigrant Worker (Form I-129)
In the United States out of status	The beneficiary must depart the U.S. and apply for a visa at the U.S. consulate abroad.
Outside the United States	Nonimmigrant Treaty Trader/ Investor Visa Application (Form DS-156E) at the United States consulate nearest their place of residence that accepts nonimmigrant visa applications.

Must an individual file the Petition for a Nonimmigrant Worker (Form I-129) to get an E1 status?

No. It is only necessary to file the Form I-129 if the individual is in the United States in a valid nonimmigrant status seeking an E1 status or an extension of E1 status. Otherwise, the E1 visa can be applied for directly at the nearest U.S. consulate that processes nonimmigrant visas.

Can a U.S. employer file for E1 status for an employee?

No. A United States employer cannot petition for E1 status for an employee since this visa classification is specifically set aside for foreign nationals, including foreign employers, with a Treaty of Friendship, Commerce, Navigation or some similar type of agreement between the United States and a foreign nation.

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Can an employer get E1 status for an employee?

An employer can get E1 status for an employee if the employee meets all of the requirements to get E1 status.

What is the filing fee for the Form I-129 when filing for E1 status?

Please refer to the www.uscis.gov website -- Forms and Fees -- for current fees.

Where does the employer file the Form I-129?

te to Representative: For instructions on how to file the forms, see the USCIS website at www.uscis.gov/i-129 and provide the client with information on the "Where to File" section

How can an individual seeking E1 status expedite the Form I-129?

An employer can file a Request for Premium Processing Service, Form I-907, with the appropriate fee, concurrently with Form I-129 or after receiving the receipt notice for Form I-129, at the USCIS location where the I-129 was filed. For more information on premium processing, please see our website at www.uscis.gov.

Note to Representative: The processing time for the I-907 is usually 15 calendar days. If USCIS does not adjudicate the form within 15 calendar days, the fee will be refunded.

How can an employer check on the status of a pending Form I-129?

An employer should be encouraged to check on the status of a pending Form I-129 by using the case status online system via the USCIS web site. However, some other options are outlined in the following table:

If the employer...	Then the employer...
Does not receive a decision within the estimated time annotated on their receipt notice	• Should call the USCIS Service Center at the phone number listed on their receipt notice; or • Send a written inquiry to the address on the receipt notice.
Filed the Form I-907 with Form I-129	Can forward an inquiry to the e-mail address of the USCIS Service Center where the Form I-129 and Form I-907 were filed. The following are the e-mail addresses for the USCIS Service Centers concerning "E" status: • Vermont Service Center VSC-Premium.Processing@dhs.gov • California Service Center CSC-Premium.Processing@dhs.gov

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Can the E1 employee file the Form I-129 for him/herself?

No. The E1 employer or the employer abroad must always file the Form I-129 on behalf of an E1 employee.

What requirements must an individual meet to become an E1 Treaty Trader?

To obtain an E1 Treaty Trader status, the following are eligibility requirements:

- A treaty, with treaty trader provisions, exists between United States and foreign state;
- The individual and/or business possess the nationality of the treaty country;
- Business activities constitute trade;
- Trade is substantial and international in scope;
- Trade is principally between United States and the treaty country; and
- The individual intends to depart the United States when the E1 status terminates.

What requirements must the employee meet to become an E1 employee?

To obtain E1 employee status, the following are eligibility requirements:

- The employee must be a national of the treaty country;
- The employee's employer must either be in valid E1 status, or if outside of the U.S., the employer is classifiable under E1 status;
- The employee is coming to the United States to fill an executive or supervisory position, or has special qualifications essential to the firm's operations in the United States; and
- The beneficiary intends to depart the United States when the E1 status terminates.

What initial evidence or documents must be filed with the E1 Nonimmigrant Visa Application at the U.S. Consulate?

The individual should be directed to the U.S. consulate nearest to the individual's place of residence or to the Department of State's website at www.state.gov.

Can one petition be filed for the E1 employer and the E1 employee?

No. Separate petitions must be filed for employer and employee. The filing and approval of the employer's Form I-129 must precede the employee's filing of the Form I-129.

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Changing Status/Changing Employers/Extension of Stay/Travel/Intent to Become Permanent Resident

Can the E1 who is an employee change employers and remain in E status?

Can the E1 who is an employee work for more than one employer?

What is the initial period of admission granted to an E1 nonimmigrant?

What is the maximum period of stay granted to an E1 nonimmigrant?

What is an employer held liable for after an E1 is in their employ?

How can an E1 extend their status if their status is expiring?

Can an E1 travel outside of the U.S. and reenter with the same status?

Can an individual seeking an E1 or an employer petitioning for E1 employee file the Form I-129 petition for the E1 with the intent of ultimately petitioning for permanent resident status?

How do you change the status of someone who is already in another valid nonimmigrant status to an E1 nonimmigrant status?

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Can the E1 who is an employee change employers and remain in E status?

An E1 employee cannot change employers and remain in E1 status. However, another employer may sponsor the employee for E1 status. USCIS must approve any substantive changes in the terms or conditions of E status prior to the change of employment.

Can the E1 who is an employee work for more than one employer?

No. An E1 employee can only work for the employer that filed the petition or one of the employer's affiliates, subsidiaries, or branches.

What is the initial period of admission granted to an E1 nonimmigrant?

An E1 nonimmigrant is usually granted an initial period of admission of two years.

What is the maximum period of stay granted to an E1 nonimmigrant?

E1 Treaty Traders do not have a maximum period of stay.

Note to Representative: E1 Treaty Trader employees involved in start-up activities only receive two years since it is presumed they will conclude their activities in a two-year period.

What is an employer held liable for after an E1 is in their employ?

An employer petitioning for an E1 has employment responsibilities not covered by immigration law. These inquiries should be directed to the Department of Labor.

How can an E1 extend their status if their status is expiring?

An extension of stay in the E1 category may be authorized in increments of up to two years. Each extension must be applied for.

Can an E1 travel outside of the U.S. and reenter with the same status?

Yes. An E1 visa allows an alien holding that status to reenter the U.S. with a valid E1 visa and a valid passport.

Can an individual seeking an E1 or an employer petitioning for E1 employee file the Form I-129 petition for the E1 with the intent of ultimately petitioning for permanent resident status?

An E1 alien shall maintain an intention to depart the United States upon expiration or termination of their E1 status. When applying for the temporary visa, nearly all nonimmigrant workers must prove that they only intend to work in the U.S. for a temporary period of time.
However, E1 nonimmigrant workers can be beneficiaries of an immigrant visa petition, or take other steps toward "lawful permanent resident" status without affecting their nonimmigrant, temporary worker visa status.

Note to Representative: "Intent" as used here only applies to the employer's intentions at the time of the filing of the Form I-129.

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How do you change the status of someone who is already in another valid nonimmigrant status to an E1 nonimmigrant status?

If the beneficiary is not in one of the visa categories listed below, follow the process for applying for an initial E1 visa.

If the beneficiary is in C, D, K, S, or J visa categories, see below:

C Visa: The beneficiary cannot change status.

D Visa: The beneficiary cannot change status.

K-1/K-2: The beneficiary cannot change status.
K-3/K-4: The beneficiary cannot change status while physically present in the U.S.

S Visa: The beneficiary cannot change status.

J Visa: The beneficiary cannot change status if subject to the two-year foreign residency requirement unless he/she returns home and physically resides in his/her country for 2 years following departure from the U.S., or obtains a waiver of the two-year residency requirement.

As noted below, most J-1 waiver applications require filing Form DS-3035 with the Department of State (DOS). For more information on the requirements for filing Form DS-3035, please see the DOS J-1 visa waiver website.
There are 5 kinds of J-1 waivers:

- Persecution – You would be subject to persecution on account of race, religion, or political opinion if you were to return to your country of residence. To apply, you would file Form DS-3035 with the DOS, and then file Form I-612 with USCIS.
- Hardship – Departure from the U.S. would impose exceptional hardship on your U.S. Citizen/Lawful Permanent Resident spouse or child. To apply, you would file Form DS-3035 with the DOS, and then file Form I-612 with USCIS.
- No objection – Your country issues a "no objection statement" that states that your country does not object to the waiver. To apply, first you would file Form DS-3035 with the DOS, or at the U.S. consulate abroad.
- Request by U.S. agency – This waiver is initiated by a U.S. agency showing that the waiver is in the public interest and that requiring the J-1 to return to his/her country for 2 years would be "clearly detrimental" to the official interest of the agency. Filing Form DS-3035 with the DOS is also required for this waiver.
- Conrad State 30 Program – For medical graduates who have agreed to practice medicine for at least 3 years in a medically underserved area. For this waiver, the J-1 applicant would apply with the state public health department, and then file Form I-612 with USCIS.

Waiver applications and eligibility requirements are complex. It may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Board of Immigration Appeals.

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Family Members of E-1s

How can an E1 nonimmigrant bring family members to the U.S. or change the status of family members in the U.S.?

Can the dependents of the E1 extend their stay?

Can the dependents of the E1 work and/or go to school in the U.S.?

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How can an E1 nonimmigrant bring family members to the U.S. or change the status of family members in the U.S.?

In order for an E1 to obtain an E1 visa or status for their dependents, please use the process in the following table:

If the E-1's dependents are....	Then the E1's dependents should....
Inside the U.S. in a valid nonimmigrant status	File one Application to Extend or Change Nonimmigrant Status (Form I-539) for all dependents either: • With the E1's Form I-129 or • Separately upon approval of E1's Form I-129 at the USCIS Service Center that has jurisdiction where the dependents reside.
Inside the U.S. out of status	The beneficiary must depart the U.S. and apply for a visa at the U.S. consulate abroad.
Outside the U.S.	Contact the nearest U.S. Consulate to find out the procedures to obtain a nonimmigrant visa.

Note to representative: The term "dependents" as used in this answer is defined as the spouse and unmarried children under the age of 21 of an E-1 nonimmigrant.

Can the dependents of the E1 extend their stay?

The dependents can extend their stay to remain with the principal E1 status. They must use Form I-539 to apply.

Can the dependents of the E1 work and/or go to school in the U.S.?

The husband or wife of an E1 may be authorized to work in the U.S. They must use Form I-765 to apply. In addition, they must apply under category (a) (17) in question 16 of the form. The other dependents may not work in the U.S.

As long as the dependents are in E1 status, they can attend school without changing to another nonimmigrant status.

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Chapter 2 E2 Treaty Investors

OVERVIEW

The E-2 classification is authorized for a foreign national who is coming to the United States solely to direct and develop the operations of an enterprise in which the individual has invested or is actively involved in the process of investing a substantial amount of capital.

The investment involved must place lawfully acquired, owned, and controlled capital at commercial risk with a profit objective, and it must be subject to loss if the investment fails.

If the foreign national is already inside the United States, the individual must submit Form I-129, Petition for Non-immigrant Worker, to USCIS to request a change of status or an extension of stay. If the foreign national is outside of the United States, the individual must apply for an E-2 visa at a U.S. consular office abroad.

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General FAQs

What is a "Treaty Country"?

What is a Treaty Country Nationality?

Which countries or regions are on the list for the Treaty Investor Services?

What are the requirements for the Treaty Investors Category?

How does USCIS define "investment"?

What is considered a "bona fide enterprise"?

How much is considered a "substantial amount of capital"?

What does "solely to develop and direct" mean?

What is a "marginal enterprise"?

What are "Special Qualifications"?

What is VIBE?

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What is a "Treaty Country"?

A treaty country is a foreign state with which a qualifying Treaty of Friendship, Commerce, or Navigation or its equivalent exists with the United States.

What is a Treaty Country Nationality?

The authorities of the foreign state of which the alien is a national determine the nationality of an individual treaty investor. In the case of an enterprise or organization, ownership must be traced as best as is practicable to the individuals who are ultimately its owners.

Which countries or regions are on the list for the Treaty Investor Services?

For a list of Treaty Investor countries, please visit the U.S. Department of State's webpage on treaty countries.

What are the requirements for the Treaty Investors Category?

E2 status is designed for qualifying individuals who are citizens or nationals of countries with a qualifying commerce and navigation treaty with the U.S., and who will solely develop and direct the operations of an enterprise in which he/she has invested or is actively in the process of investing substantial capital.

How does USCIS define "investment"?

USCIS defines investment as the treaty investor's placing of capital, including funds and other assets, at risk in the commercial sense with the objective of generating a profit.

Note to representative: The funds used by the investor must be the investor's own unsecured personal funds, not a loan or some other secured financial instrument.

What is considered a "bona fide enterprise"?

A bona fide enterprise means that the enterprise must be a real, active, and operating commercial or entrepreneurial undertaking that actually produces services or goods for profit.

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How much is considered a "substantial amount of capital"?

A substantial amount of capital is considered an amount, which meets the following three criteria:

- That is substantial in relationship to the total cost of either purchasing an established enterprise or creating the type of enterprise being considered;
- Sufficient to ensure the treaty investor's financial commitment to the enterprise's success; and
- Of a magnitude to support the likelihood that the treaty investor will successfully develop and direct the enterprise.

What does "solely to develop and direct" mean?

Solely to develop and direct means that the treaty investor can demonstrate he or she develops and directs the investment enterprise by:

- Showing control via ownership of at least 50% of the enterprise; or
- Showing operational control through a managerial position or other corporate device, or by other means.

What is a "marginal enterprise"?

A marginal enterprise is an enterprise that does not have the present or future capacity to generate more than enough income to provide a minimal living for the treaty investor and his or her family. In other words, a marginal enterprise is only sufficient enough to provide a minimal living and nothing more for an investor.

What are "Special Qualifications"?

Special qualifications are those skills and/or aptitudes that an employee in a lesser capacity brings to a position or role that are "essential" to the successful or efficient operation of the treaty enterprise.

What is VIBE?

The Web-based *Validation Instrument for Business Enterprises* (Vibe) is a tool designed to enhance USCIS's adjudications of certain employment-based immigration petitions. Vibe uses commercially available data from an independent information provider (IIP) to validate basic information about companies or organizations petitioning to employ alien workers. Currently, the independent information provider for the VIBE program is Dun and Bradstreet (D&B).

For more information about VIBE, please visit our website at www.uscis.gov/vibe.

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Filing for E2 Status

Is labor certification necessary for an E2 status?

How does an individual seeking E2 status for himself/herself or an employee apply for an E2 Treaty Investor status?

Must an individual file the Petition for a Nonimmigrant Worker (Form I-129) to get E2 status?

Can a U.S. employer file for E2 status for an employee?

Can an employer get E2 status for an employee?

What is the filing fee for Form I-129 when filing for E2 status?

Where does the employer file the Form I-129?

How can an individual seeking E2 status expedite the Form I-129?

How can an employer check on the status of a pending Form I-129?

Can the E2 employee file the Form I-129 for himself or herself?

What requirements must an individual meet to become an E2 Treaty Investor?

What requirements must the employee meet to become an E2 employee?

What initial evidence or documents must be filed with the E2 Nonimmigrant Visa Application at the U.S. Consulate?

Can one petition be filed for the E2 employer and employee?

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Is labor certification necessary for an E2 status?

Labor certification is not necessary nor a requirement for the E2 classification.

How does an individual seeking E2 status for himself/herself or an employee apply for an E2 Treaty Investor status?

The following table describes the procedures that an individual seeking E2 status for him/herself or for an employee must follow:

If beneficiary is...	Then the beneficiary should file the:
In the United States in a valid nonimmigrant status	Petition for a Nonimmigrant Worker (Form I-129)
In the United States out of status	The beneficiary must depart the U.S. and apply for a visa at the U.S. consulate abroad.
Outside the United States	Nonimmigrant Treaty Trader/ Investor Visa Application (Form DS-156E) at the United States consulate nearest their place of residence that accepts nonimmigrant visa applications.

Must an individual file the Petition for a Nonimmigrant Worker (Form I-129) to get E2 status?

No. It is only necessary to file the Form I-129 if the individual is in the United States in a valid nonimmigrant status seeking E2 or an extension of E2 status. Otherwise, the E2 can be applied for directly at the nearest U.S. consulate that processes nonimmigrant visas.

Can a U.S. employer file for E2 status for an employee?

No. A United States employer cannot petition for E2 status for an employee since this visa classification is specifically set aside for foreign nationals, including foreign employers, with a Treaty of Friendship, Commerce, Navigation or some similar type of agreement between the United States and a foreign nation.

Can an employer get E2 status for an employee?

An employer can get E2 status for an employee if the employee meets all of the requirements for E2 status.

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What is the filing fee for Form I-129 when filing for E2 status?

Please refer to the www.uscis.gov website -- Forms and Fees -- for current fees.

Where does the employer file the Form I-129?

Note to Representative: For instructions on how to file the forms, see the USCIS website at www.uscis.gov/i-129 and provide the client with information on the "Where to File" section

How can an individual seeking E2 status expedite the Form I-129?

An employer can file a Request for Premium Processing Service, Form I-907, with the appropriate fee, concurrently with Form I-129 or after receiving the receipt notice for Form I-129, at the USCIS location where the I-129 was filed. For more information on premium processing, please see our website at www.uscis.gov.

Note to Representative: The processing time for the Form I-907 is usually 15 calendar days. If USCIS does not adjudicate the form within 15 calendar days, the fee will be refunded.

How can an employer check on the status of a pending Form I-129?

An employer should be encouraged to check on the status of a pending Form I-129 by using the case status online system via the USCIS web site. However, some other options are outlined in the following table:

If the employer...	Then the employer...
Does not receive a decision within the estimated time annotated on their receipt notice	• Should call the USCIS Service Center at the phone number listed on their receipt notice; Or • Send a written inquiry to the address on the receipt notice.
Filed Form I-907 with the Form I-129	Can forward an inquiry to the e-mail address of the USCIS Service Center where the Form I-129 and Form I-907 was filed. The following are the e-mail addresses for the USCIS Service Centers concerning "E" status: • Vermont Service Center VSC-Premium.Processing@dhs.gov • California Service Center CSC-Premium.Processing@dhs.gov

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Can the E2 employee file the Form I-129 for himself or herself?

No. The E2 employer or the employer abroad must always file the Form I-129 on behalf of an E2 employee.

What requirements must an individual meet to become an E2 Treaty Investor?

In order to obtain an E2 Treaty Investor status, one must meet the following eligibility requirements:

- A treaty, with treaty investor provisions, exists between United States and foreign state;
- The individual and/or business possess the nationality of the treaty country;
- Has invested or is actively in the process of investing a substantial amount of capital in a bona fide enterprise in the United States;
- Is seeking entry solely to develop and direct the enterprise; and
- Intends to depart the United States upon the expiration or termination of treaty investor (E2) status.

Note to Representative: A substantial amount of capital is distinct from a relatively small amount of capital in a marginal enterprise that is solely for the purpose of earning a living.

What requirements must the employee meet to become an E2 employee?

In order to obtain E2 employee status, one must meet the following eligibility requirements:

- The employee must be a national of the treaty country;
- The employee's employer must either be in valid E2 status, or if outside of the U.S., the employer is classifiable under E2 status;
- The employee is coming to the United States to fill an executive or supervisory position; or has special qualifications essential to the firm's operations in the United States; and
- The beneficiary intends to depart the United States when the E2 status terminates.

What initial evidence or documents must be filed with the E2 Nonimmigrant Visa Application at the U.S. Consulate?

The individual should be directed to the U.S. consulate nearest the individual's place of residence or to the Department of State's website at www.state.gov.

Can one petition be filed for the E2 employer and employee?

No. Separate petitions must be filed for employer and employee. The filing and approval of the employer's Form I-129 must precede the employee's filing of the Form I-129.

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Changing Status/Changing Employers/Extension of Stay/Travel/Intent to Become Permanent Resident

Can the E2 who is an employee change employers and remain in E status?

Can the E2 who is an employee work for more than one employer?

What is the initial period of admission granted to the E2 nonimmigrant?

What is the maximum period of stay granted to the E2?

What is an employer held liable for, after the E2 is in their employ?

How can the E2 extend their status if their status is expiring?

Can an E2 travel outside of the U.S. and reenter with the same status?

Can an individual seeking an E2 or an employer petitioning for E2 employee file the Form I-129 petition for an E2 with the intent of ultimately petitioning for permanent resident status?

How do you change the status of someone who is already in another valid nonimmigrant status to an E2 nonimmigrant status?

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Can the E2 who is an employee change employers and remain in E status?

An E2 employee cannot change employers and remain in E2 status. However, another employer may sponsor the employee for E2 status. USCIS must approve any substantive changes in the terms or conditions of E status prior to the change of employment.

Can the E2 who is an employee work for more than one employer?

No. An E2 employee can only work for the employer that filed the petition or one of the employer's affiliates, subsidiaries, or branches.

What is the initial period of admission granted to the E2 nonimmigrant?

An E2 nonimmigrant is usually granted an initial period of admission of 2 years.

What is the maximum period of stay granted to the E2?

E2 Treaty Investors do not have a maximum period of stay.

Note to Representative: E2 Treaty Investors involved in start-up activities only receive 2 years since it is presumed they will conclude their activities in a two year period.

What is an employer held liable for, after the E2 is in their employ?

An employer petitioning for the E2 has employment responsibilities not covered by immigration law. These inquiries should be directed to the Department of Labor.

How can the E2 extend their status if their status is expiring?

An extension of stay for an E2 may be authorized in increments of up to two years. Each extension must be applied for.

Can an E2 travel outside of the U.S. and reenter with the same status?

Yes. An E2 visa allows an alien holding that status to reenter the U.S. with a valid E2 visa and a valid passport.

Can an individual seeking an E2 or an employer petitioning for E2 employee file the Form I-129 petition for an E2 with the intent of ultimately petitioning for permanent resident status?

An E2 alien shall maintain an intention to depart the United States upon expiration or termination of their E2 status. When applying for the temporary visa, nearly all nonimmigrant workers must prove that they only intend to work in the U.S. for a temporary period of time.
However, E2 nonimmigrant workers can be beneficiaries of an immigrant visa petition, or take other steps toward "lawful permanent resident" status without affecting their nonimmigrant, temporary worker visa status.

Note to Representative: "Intent" as used here only applies to the employer's intentions at the time of the filing of Form I-129.

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How do you change the status of someone who is already in another valid nonimmigrant status to an E2 nonimmigrant status?

If the beneficiary is not in one of the visa categories listed below, follow the process for applying for an initial E2 visa.

If the beneficiary is in C, D, K, S, or J visa categories, see below:

C Visa: The beneficiary cannot change status.

D Visa: The beneficiary cannot change status.

K-1/K-2: The beneficiary cannot change status.
K-3/K-4: The beneficiary cannot change status while physically present in the U.S.

S Visa: The beneficiary cannot change status.

J Visa: The beneficiary cannot change status if subject to the two-year foreign residency requirement unless he/she returns home and physically resides in his/her country for 2 years following departure from the U.S., or obtains a waiver of the two-year residency requirement.

As noted below, most J-1 waiver applications require filing Form DS-3035 with the Department of State (DOS). For more information on the requirements for filing Form DS-3035, please see the DOS J-1 visa waiver website.
There are 5 kinds of J-1 waivers:

- Persecution – You would be subject to persecution on account of race, religion, or political opinion if you were to return to your country of residence. To apply, you would file Form DS-3035 with the DOS, and then file Form I-612 with USCIS.
- Hardship – Departure from the U.S. would impose exceptional hardship on your U.S. Citizen/Lawful Permanent Resident spouse or child. To apply, you would file Form DS-3035 with the DOS, and then file Form I-612 with USCIS.
- No objection – Your country issues a "no objection statement" that states that your country does not object to the waiver. To apply, first you would file Form DS-3035 with the DOS, or at the U.S. consulate abroad.
- Request by U.S. agency – This waiver is initiated by a U.S. agency showing that the waiver is in the public interest and that requiring the J-1 to return to his/her country for 2 years would be "clearly detrimental" to the official interest of the agency. Filing Form DS-3035 with the DOS is also required for this waiver.
- Conrad State 30 Program – For medical graduates who have agreed to practice medicine for at least 3 years in a medically underserved area. For this waiver, the J-1 applicant **would apply with the state public health department, and then file Form I-612 with USCIS.**

Waiver applications and eligibility requirements are complex. It may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Board of Immigration Appeals.

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Family Members of E-2s

How can an E2 nonimmigrant bring family members to the U.S. or change the status of family members in the U.S.?

Can the dependents of the E2 extend their stay?

Can the dependents of the E2 work and/or go to school in the U.S.?

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How can an E2 nonimmigrant bring family members to the U.S. or change the status of family members in the U.S.?

In order for an E2 to obtain an E2 visa or status for their dependents please use the process in the following table:

If the E2's dependents are....	Then the E2's dependents should....
Inside the U.S. in a valid nonimmigrant status	File one Application to Extend or Change Nonimmigrant Status (Form I-539) for all dependents either: • With the E2's Form I-129 or • Separately upon approval of E2's Form I-129 at the USCIS Service Center that has jurisdiction where the dependents reside.
Inside the U.S. out of status	The beneficiary must depart the U.S. and apply for a visa at the U.S. consulate abroad.
Outside the U.S.	Contact the nearest U.S. Consulate to find out the procedures to obtain a nonimmigrant visa.

Note to Representative: The term "dependents" as used in this question is defined as the spouse and unmarried children under the age of 21 of an E2 nonimmigrant.

Can the dependents of the E2 extend their stay?

The dependents can extend their stay to remain with the principal E2 status. They must use Form I-539 to apply.

Can the dependents of the E2 work and/or go to school in the U.S.?

The husband or wife of an E2 may be authorized to work in the U.S. They must use Form I-765 to apply. In addition, they must apply under category (a)(17) in question 16 of the form. The other dependents may not work in the U.S.

As long as the dependents are in E2 status, they can attend school without changing to another nonimmigrant status.

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Chapter 3 EB5 Employment-Based Alien Entrepreneurs

OVERVIEW

The "employment creation" visa category is for a foreign national who invests $1 million in a new enterprise that employs 10 U.S. workers, not including the immigrant, the immigrant's spouse, or the immigrant's children. The amount of the investment only needs to be $500,000 in a targeted employment area. A "targeted employment area" is a rural area or other designated area where the unemployment rate equals 150 percent of the national average.

Immigrant visas for individuals who invest in targeted areas are limited to 3,000 per year. To obtain an employment-creation immigrant visa, a foreign national must submit a Form I-526, "Immigrant Petition by Alien Entrepreneur," to USCIS. If USCIS approves Form I-526, the foreign national may obtain permanent resident status, on a conditional basis, for two years. Prior to the expiration of the two-year period, the individual must apply to USCIS to remove the conditional basis.

There is also an Immigrant Investor Pilot Program. This Pilot Program established the creation of Regional Centers to focus investment in geographic areas. The individual investor must meet all the criteria of employment creation investors except he or she can demonstrate that investment in the regional center will create jobs indirectly beyond the commercial enterprise.

What information are you seeking? (Please choose one of the following options)

Definitions

Process and Evidence Requirements

Filing Process Questions for Conditional Permanent Residence

Filing and Evidence Requirements for Removal of Conditions

Immigrant Investor Regional Center Pilot Program FAQs

Other FAQs

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Definitions

What does "capital" mean?

What does "invest" mean?

What does "commercial enterprise" mean?

What areas are considered "targeted employment areas"?

What areas are considered "rural areas"?

What is a "troubled business"?

Who are "qualified employees?

What is a "conditional permanent resident"?

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What does "capital" mean?

Capital means cash, equipment, inventory, other tangible property, cash equivalents, and indebtedness secured by assets owned by the alien entrepreneur that were acquired by lawful means.

What does "invest" mean?

Invest means to contribute capital. This can be in the form of cash, equipment, inventory, and any debt secured by assets owned by the entrepreneur for which he is personally and primarily liable. Any loan, promissory note, mortgage, or other debt arrangement secured by the assets of the newly created enterprise does not constitute an investment. Likewise, any loan or debt arrangement between the entrepreneur and the newly created enterprise does not constitute an investment.

Note to Representative: A contribution of capital in exchange for a note, bond, convertible debt, obligation, or any other debt arrangement between the alien entrepreneur and the new commercial enterprise does not constitute a contribution of capital.

What does "commercial enterprise" mean?

Commercial enterprise means any for-profit, lawful activity, such as:

- a newly created business, or
- the purchase and restructuring of an existing business such that a new commercial enterprise results, or
- the expansion of an existing business such that there is a 40% increase in the net worth or in the number of employees.

What areas are considered "targeted employment areas"?

A targeted employment area is considered an area that, at the time of investment, is a rural area or an area that has experienced high unemployment of at least 150 per cent of the national average rate.

What areas are considered "rural areas"?

Rural area means any area not within either a metropolitan statistical area (as designated by the Office of Management and Budget) or the outer boundary of any city or town having a population of 20,000 or more.

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What is a "troubled business"?

A troubled business is a business that has:

- Been in existence for at least two years;
- Incurred a net loss for accounting purposes during the 12 or 24 month period prior to the priority date on the alien entrepreneur's Form I-526; and
- The loss for such period is at least equal to 20 percent of the troubled business's net worth prior to such loss.

Who are "qualified employees?

Qualified employee means a United States citizen, a lawful permanent resident, or other immigrants employed lawfully in the United States.

A qualified employee does not include the alien entrepreneur, his/her spouse or children (even if they are U.S. citizens or permanent residents), or any nonimmigrant.

What is a "conditional permanent resident"?

A conditional permanent resident is an alien who has been lawfully admitted for permanent residence, except that a conditional permanent resident is also subject to certain conditions and responsibilities set forth in immigration law.

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Process and Evidence Requirements

Can an alien filing under this classification apply for him/herself?

Is it necessary to obtain a labor certification when filing as an alien entrepreneur?

What are the initial requirements for the alien entrepreneur?

What initial evidence must the alien entrepreneur seeking conditional permanent residency provide to USCIS?

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Can an alien filing under this classification apply for him/herself?

Yes. The employment-creation visa category was implemented expressly to allow alien investors seeking to engage in a commercial enterprise in the U.S. to immigrate here permanently.

Is it necessary to obtain a labor certification when filing as an alien entrepreneur?

No. A labor certification is not necessary since there is generally not an adverse effect on the wages of U.S. workers and since this is a classification based on investment and employment creation and not the alien's employment-based skills.

What are the initial requirements for the alien entrepreneur?

To be initially eligible for the alien entrepreneur classification, an alien must meet the following:

- Established a new commercial enterprise:
    1. In which the alien will engage in a managerial or policy-making capacity;
    2. In which the alien has invested or is actively in the process of investing the amount required for the area in which the enterprise is located;
    3. Which will benefit the U.S. economy; and
    4. Which will create full-time employment in the U.S. for at least 10 U.S. citizens, permanent residents, or other immigrants authorized for employment.

Note to Representative: Unless adjusted downward for targeted areas or upward for areas of high employment, the amount of investment shall be $1 million.

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What initial evidence must the alien entrepreneur seeking conditional permanent residency provide to USCIS?

- In order to demonstrate establishment of new commercial enterprise, the alien must provide:

    A. An organizational document such as:
        1. Copies of articles of incorporation,
        2. Certificate of merger or consolidation,
        3. Partnership agreement,
        4. Certificate of limited partnership,
        5. Joint venture agreement,
        6. Business trust agreement; and

    B. A certificate evidencing authority to do business in a state or municipality, or if such is not required, a statement to that effect; or

- Evidence that the required amount of capital has been transferred to an existing business resulting in a substantial increase in the net worth or number of employees, or both. This evidence must be in the form of:

    A. Stock purchase agreements,
    B. Investment agreements
    C. Certified financial reports,
    D. Payroll records; or
    E. Similar instruments, such as agreements or documents evidencing the investment and the resulting substantial change.

- In order to demonstrate that the alien entrepreneur has invested or is actively in the process of investing the amount required for the area in which the business is located the alien can provide evidence from the list below or evidence similar to:

    A. Copies of bank statements,
    B. Evidence of assets that have been purchased for use in the enterprise,
    C. Evidence of property transferred from abroad for use in the enterprise,
    D. Evidence of monies transferred or committed to be transferred to the new commercial enterprise in exchange for shares of stock,
    E. Any loan or mortgage, promissory note, security agreement, or other evidence of borrowing that is secured by assets of the petitioner and not secured by assets of the newly created enterprise.

Answer continues on next page

- In order to demonstrate capital obtained through lawful means, the alien must provide, if applicable, the following evidence:

    A. Foreign business registration records,
    B. Tax returns of any kind filed within the last five years in or outside the United States,
    C. Other sources of capital,
    D. Certified copies of any judgment, pending governmental civil or criminal actions, or private civil actions against the petitioner from any court in or outside the United States within the past 15 years.
    E. Where the source of the capital is from the sale of real estate or a business, copies of the sales contracts and/or deeds.

- In order to demonstrate that the enterprise will create at least 10 full-time positions for U.S. citizens, permanent residents, or aliens lawfully authorized to be employed (except yourself, your spouse, sons, or daughters, and any nonimmigrant aliens). The alien can submit the following:

    A. Copies of relevant tax records,
    B. Forms I-9, pay-stubs and payroll records, or other similar documents, if the employees have already been hired, or
    C. A comprehensive business plan showing that due to the nature and size of the newly created business at least 10 qualifying employees will be needed, including the approximate dates within the next two years that such employees will be hired.
        a. Such a comprehensive business plan may include, if applicable, the following: description of the business, description of the organizational structure, market analysis, marketing strategy, list of required permits and licenses obtained description of the manufacturing or production process, staffing requirements, and sales, cost, and income projections.
    D. And if the commercial enterprise qualifies as a troubled business, evidence to show that the existing employees will be retained, such as a comprehensive business plan.

- In order to demonstrate that you are or will be engaged in the management of the enterprise, either through the exercise of day-to-day managerial control or through policy formulation, the alien can submit evidence that may include:

    A. A statement of your position title and a complete description of your duties,
    B. Evidence that you are a corporate officer or hold a seat on the board of directors, or
    C. If the new enterprise is a partnership, evidence that you are engaged in either direct management or policy-making activities.

- If applicable, to demonstrate that the enterprise has been established in a targeted employment area, the following evidence may be submitted:

    A. Evidence about the statistical area from the U.S. Census Bureau and a letter from the state agency designating the area as one with high unemployment and the method by which the unemployment statistics were obtained, including a description of the boundaries.

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Filing Process Questions for Conditional Permanent Residence

How does an alien apply for conditional permanent residency based on employment creation?

Is the alien filing under this classification eligible to file Form I-485, Application to Register Permanent Residence or to Adjust Status, concurrently with Form I-526, Immigrant Petition by Alien Entrepreneur?

Does an alien entrepreneur have to wait for a visa number to become available before filing Form I-485?

How can the alien entrepreneur check for visa availability?

Where does an alien entrepreneur file the Form I-526, Immigrant Petition by Alien Entrepreneur?

What is the filing fee for Form I-526?

Where does an alien entrepreneur file Form I-485, Application to Register Permanent Residence or to Adjust Status?

What is the filing fee for Form I-485?

How can I check on the status of Form I-526?

If mailing a status inquiry, what information should I include?

Can the spouse and unmarried children under 21 of an alien entrepreneur gain permanent residency through this category? If so, what and when can they file?

Once Form I-485 is approved, what immigrant classification will be given to the alien entrepreneur and qualifying dependents?

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How does an alien apply for conditional permanent residency based on employment creation?

There are two distinct pathways for an alien investor to gain lawful permanent residence: the Basic Program and the Regional Center Pilot Program. Each alien investor must file Form I-526 to establish eligibility under either the Basic Program or the Regional Center Pilot Program. The alien seeking permanent residency must follow the process in the following table:

Step	Action
1	The alien files a Form I-526, Immigrant Petition by Alien Entrepreneur, with USCIS.
2	Upon approval of I-526, the alien files Form I-485, Application to Register Permanent Residence or Adjust Status, if a visa number is available and the individual is in the U.S. If the alien is outside the United States when an immigrant visa number becomes available, he or she will be notified and must complete the process at his or her nearest U.S. consulate office.
3	The alien beneficiary is granted conditional permanent residency for a two-year period. They receive proof of permanent residence, an I-551 stamp, at the port of entry or at the local USCIS office, which is contingent upon whether or not the individual received an immigrant visa abroad or adjusted status in the U.S.
4	Ninety days before the two-year anniversary of being granted conditional permanent residency, the alien entrepreneur must file a Form I-829, Petition by Entrepreneur to Remove Conditions, at the California Service Center.

Is the alien filing under this classification eligible to file Form I-485, Application to Register Permanent Residence or to Adjust Status, concurrently with Form I-526, Immigrant Petition by Alien Entrepreneur?

No. The privilege of concurrently filing Form I-485 with an immigrant petition does not apply to the alien entrepreneur filing Form I-526.

Back to: EB5 Alien Entrepreneurs Nonimmigrant Treaty Traders and EB-5s Main Menu

Does an alien entrepreneur have to wait for a visa number to become available before filing Form I-485?

Yes. The alien entrepreneur classification, which falls under the EB-5 visa category, is subject to visa limitations, and therefore an alien entrepreneur would have to wait for a visa to become available before filing for adjustment of status.

How can the alien entrepreneur check for visa availability?

The employer or the self-petitioning alien can check for visa availability by accessing the Department of State's Visa Bulletin on their website. Beginning with the October 2015 visa bulletin, the Department of State will publish two charts:

- An "Application Final Action Dates" chart, which shows what priority dates are current for the purpose of issuing immigrant visas and when individuals may file their adjustment of status application, and
- A "Dates for Filing Visa Applications" chart, indicating when immigrant visa applicants should be notified to assemble and submit required documentation to the National Visa Center.

If USCIS determines that there are more immigrant visas available for the fiscal year than there are known applicants for such visas, the "Dates for Filing Visa Applications" chart" may be used to determine when to file an adjustment of status application with USCIS.

Where does an alien entrepreneur file the Form I-526, Immigrant Petition by Alien Entrepreneur?

Note to Representative: For instructions on how to file Form I-526, see the USCIS website at www.uscis.gov/i-526 and provide the client with information on the "Where to File" section

What is the filing fee for Form I-526?

Note to Representative: For instructions on the fiing fee for Form I-526, see the USCIS website at www.uscis.gov/i-526.

Where does an alien entrepreneur file Form I-485, Application to Register Permanent Residence or to Adjust Status?

Note to Representative: For instructions on how to file Form I-485, see the USCIS website at www.uscis.gov/i-485 and provide the client with information on the "Where to File" section

What is the filing fee for Form I-485?

Note to Representative: For instructions on the fiing fee for Form I-485, see the USCIS website at www.uscis.gov/i-485.

How can I check on the status of Form I-526?

Please check the processing time on our website at https://egov.uscis.gov/cris/processTimesDisplay.do. If Form I-526 is beyond posted processing times, you may send a status inquiry email to the following address:
USCIS.ImmigrantInvestorProgram@uscis.dhs.gov.

Back to: EB5 Alien Entrepreneurs Nonimmigrant Treaty Traders and EB-5s Main Menu

If mailing a status inquiry, what information should I include?

You should include the following information:

- The alien's current name and address and, if different, the alien's name as it appears on the application;
- The alien number, which is an 8 or 9 digit number following the letter "A", assigned to the employee or to their application
- The alien's date of birth;
- The date and place where their application or petition was filed;
- The receipt number from the receipt notice issued by USCIS for the application or petition; and
- A copy of the most recent notice sent to you by USCIS on your case, if you have received one.

Can the spouse and unmarried children under 21 of an alien entrepreneur gain permanent residency through this category? If so, what and when can they file?

Yes, the spouse and unmarried children under 21 of an employment-creation alien can gain permanent residency based on the principal alien.

If dependents file subsequent to the principal alien filing the I-485, dependents must wait until the principal applicant receives a Form I-797, Notice of Action from USCIS. Thereafter, dependents must include a copy of the principal applicant's Form I-797 with their filings. The principal's Notice of Action will facilitate matching dependent's subsequent filings with principal's file, thereby reducing the chances of delays in the file routing.

Once Form I-485 is approved, what immigrant classification will be given to the alien entrepreneur and qualifying dependents?

The following table indicates the immigrant classification that will be given to alien entrepreneurs as well as their qualifying dependents either entering the U.S. with an immigrant visa or adjusting status in the U.S.

If the alien is an Employment-creation alien immigrant (not in a targeted area), then the classification granted to employment creation aliens and their dependents would be:

- For those admitted to U.S. with a immigrant visa:
  - C51 Employment creation alien
  - C52 Spouse of an Employment creation alien
  - C53 Child of an Employment creation alien
- For those who adjusted status in the U.S.:
  - C56 Employment creation alien
  - C57 Spouse of an Employment creation alien
  - C58 Child of an Employment creation alien

Back to: EB5 Alien Entrepreneurs Nonimmigrant Treaty Traders and EB-5s Main Menu

Filing and Evidence Requirements for Removal of Conditions

What are the initial eligibility requirements for the alien entrepreneur seeking to remove conditions?

What initial evidence must the alien entrepreneur seeking to remove conditions provide to USCIS?

How and when does the alien entrepreneur file to remove the conditions from their permanent residency?

Where does the alien entrepreneur file Form I-829?

What is the filing fee for Form I-829?

Is it necessary for the alien entrepreneur to file a separate Form I-829 for his or her dependents?

Can only the spouse and minor children of an alien entrepreneur have conditions removed from permanent resident card?

Once Form I-829 is approved, what immigrant classification will be given to the alien entrepreneur and qualifying dependents?

Back to: EB5 Alien Entrepreneurs Nonimmigrant Treaty Traders and EB-5s Main Menu

What are the initial eligibility requirements for the alien entrepreneur seeking to remove conditions?

In order to remove conditions, an alien entrepreneur must meet the following initial eligibility requirements:

- Must have been granted conditional permanent residence; and
- Must have evidence of a commercial enterprise.

What initial evidence must the alien entrepreneur seeking to remove conditions provide to USCIS?

- In order to prove that the alien entrepreneur is a conditional permanent resident he/she should include a copy of their Permanent Resident Card and if applicable, copies of the permanent resident card for spouse and child or children.

- In order to show evidence of commercial enterprise evidence of the following must be submitted:

    A. Evidence that the alien established a commercial enterprise. Such evidence includes but is not limited to federal tax returns;

    B. Evidence that the alien invested or was actively in the process of investing the amount of capital required for the location of the enterprise. Such evidence includes but is not limited to an audited financial statement; and

    C. Evidence of the number of full-time employees at the beginning of the investment and at present. Such evidence includes but is not limited to:

        1. Payroll records;
        2. Relevant tax documents; and
        3. I-9 Forms.

    D. Evidence that the alien sustained the enterprise and the investment in it throughout the alien's period of conditional permanent residence. Examples of such evidence are:

        1. Bank statements;
        2. Invoices and receipts;
        3. Contracts;
        4. Business licenses; and
        5. Federal or state income tax returns or quarterly tax statements.

How and when does the alien entrepreneur file to remove the conditions from their permanent residency?

For removal of conditional residency status, Form I-829, Petition by Entrepreneur to Remove Conditions, is submitted within the 90-day period preceding the second anniversary of his/her admission to the U.S. as a conditional permanent resident. Form I-829 is to be filed with the California Service Center. Petitioner's spouse and children may be included in the petition to remove conditions.

Back to: EB5 Alien Entrepreneurs Nonimmigrant Treaty Traders and EB-5s Main Menu

Where does the alien entrepreneur file Form I-829?

Note to Representative: For instructions on how to file Form I-829, see the USCIS website at www.uscis.gov/i-829 and provide the client with information on the "Where to File" section

What is the filing fee for Form I-829?

Note to Representative: For instructions on the filing fee for Form I-829, see the USCIS website at www.uscis.gov/i-829.

Is it necessary for the alien entrepreneur to file a separate Form I-829 for his or her dependents?

No. They should be included in the conditional resident's petition on Form I-829, Part 3 and Part 4.

Can only the spouse and minor children of an alien entrepreneur have conditions removed from permanent resident card?

No. The following individuals may be included in the conditional resident's petition or may file a separate petition on Form I-829:

- Children who have reached the age of 21;
- Children who have married during the period of conditional permanent residence; and
- The former spouse of an entrepreneur, who was divorced from the entrepreneur during the period of conditional residence.

Once Form I-829 is approved, what immigrant classification will be given to the alien entrepreneur and qualifying dependents?

Once the I-829 is approved, the alien entrepreneur and qualifying dependents will receive the following immigrant classifications:

- E56 Employment creation immigrant
- E57 Spouse of an employment creation immigrant alien
- E58 Child of an employment creation immigrant alien

Back to: EB5 Alien Entrepreneurs Nonimmigrant Treaty Traders and EB-5s Main Menu

Immigrant Investor Regional Center Pilot Program FAQs

What is the Regional Center Pilot Program?

What is a Regional Center?

How does a Regional Center qualify for the Pilot Program?

What should a Regional Center designation proposal include?

What is the process to apply for and maintain Regional Center designation?

What are the requirements for an investor in the Pilot Program?

How can the investor show that the investment will result in indirect job creation?

Does the Regional Center Pilot Program have an expiration date?

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What is the Regional Center Pilot Program?

The Regional Center Pilot Program differs in certain ways from the standard immigrant-investor visa. The Pilot Program was established to achieve increased economic activity and job creation by encouraging investors to invest in economic units known as "Regional Centers." Regional Center designation is approved by USCIS and is intended to provide a coordinated focus of foreign investment towards specific geographic regions. Up to 3,000 visas may be set aside annually for the Pilot Program. Alien entrepreneurs may invest in any of the Regional Centers that currently exist to qualify for their conditional permanent resident status.

What is a Regional Center?

A Regional Center is defined as any economic unit, public or private, engaged in the promotion of economic growth, including increased export sales (if applicable), improved regional productivity, job creation, and increased domestic capital investment.

How does a Regional Center qualify for the Pilot Program?

The basic requirements for Regional Centers wishing to participate in the Pilot Program are as follows:

- Focus on a geographic region;
- Promote economic growth through increased export sales, **if applicable**;
- Promote improved regional productivity;
- Create a minimum of 10 jobs directly or indirectly per investor;
- Increase domestic capital investment;
- Be promoted and publicized to prospective investors;
- Have a positive impact on the regional or national economy as demonstrated by such factors as increased household earnings, greater demand for business services, utilities maintenance and repair, and construction jobs both in and around the center;
- Is supported by economically or statistically valid forecasting tools.

Back to: EB5 Alien Entrepreneurs Nonimmigrant Treaty Traders and EB-5s Main Menu

What should a Regional Center designation proposal include?

The principals of a proposed Regional Center should submit a proposal that:

- Clearly describes how the regional center focuses on a geographical region of the United States, and how it will promote economic growth through increased export sales, improved regional productivity, job creation, and increased domestic capital investment;
- Provides in verifiable detail how jobs will be created indirectly;
- Provides a detailed statement regarding the amount and source of capital which has been committed to the regional center, as well as a description of the promotional efforts taken and planned by the sponsors of the regional center;
- Contains a detailed prediction regarding the manner in which the regional center will have a positive impact on the regional or national economy in general as reflected by such factors as increased household earnings, jobs, greater demand for business services, utilities, maintenance and repair, and construction both within and without the regional center; and
- Is supported by economically or statistically valid forecasting tools, including but not limited to feasibility studies, analyses of foreign and domestic markets for the goods or services to be exported, and/or indirect job creation multipliers.

What is the process to apply for and maintain Regional Center designation?

To request Regional Center designation, Form I-924 must be filed with USCIS, along with the required fee. Regional centers are required to submit Form I-924A every year to demonstrate continued eligibility for the regional center designation.

What are the requirements for an investor in the Pilot Program?

The requirements for an investor in the Pilot Program are essentially the same as in the basic EB-5 investor program except the Pilot Program allows for a less restrictive requirement of "indirect" rather than "direct" job creation. The capital investment requirement for any EB-5 investor, inside or outside a Regional Center, is $1 million or $500,000 for an investment in a Targeted Employment Area or a Rural Area. To apply, any EB-5 investor, inside or outside a Regional Center, submits Form I-526 to USCIS. For the Pilot Program, the investor should demonstrate that his or her qualifying investment is within an approved Regional Center and that the investment will create jobs indirectly beyond the commercial enterprise.

How can the investor show that the investment will result in indirect job creation?

The requirement of creating at least 10 new full-time jobs may be satisfied by showing that, as a result of the investment and the activities of the new enterprise, at least 10 jobs will be created indirectly through an employment creation multiplier effect. To show that 10 or more jobs are actually created indirectly by the commercial enterprise, reasonable methodologies may be used, such as multiplier tables, feasibility studies, analysis of foreign and domestic markets for the goods or services to be exported, and other economically or statistically valid forecasting methods that support the likelihood that the commercial enterprise will result in increased employment.

Does the Regional Center Pilot Program have an expiration date?

Yes. Pending a further extension, the Pilot Program was recently extended through December 11, 2015.

Back to: EB5 Alien Entrepreneurs Nonimmigrant Treaty Traders and EB-5s Main Menu

Other FAQs

Where can I find additional information about the EB-5 visa classification?

Does an alien under this classification with a pending I-485 based on employment have to obtain work authorization to continue working in the U.S.?

Does an alien under this classification with a pending I-485 based on employment have to obtain advance parole prior to leaving the U.S. to reenter the U.S. after travel abroad?

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Where can I find additional information about the EB-5 visa classification?

If you wish to:

- Revise general contact information, such as attorney, address, phone number;
- Inquire about the status of Form I-526 or Form I-829 that is still pending and beyond posted processing times;
- Inquire about a pending Regional Center Proposal that is beyond posted processing time;
- Provide an updated G-28. (You must also mail an original Form G-28 as outlined in the G-28 filing instructions);
- Request expedited processing of already filed Forms I-526, I-829, or Regional Center Proposals;
- Bring to the attention of USCIS any EB-5 case decision or notice that appears to be in gross error;
- Make a request for suggested filing instructions and procedures for Regional Center Proposals, procedures and general Regional Center program information;
- Advise of any problems regarding receipt notices, such as instances where a petition receipt notice or ASC notice has not been received or the notice reflects incorrect information; or
- Advise of problems with the EB-5 related biometric processing,

Send an email to USCIS.ImmigrantInvestorProgram@dhs.gov.

Note to Representative:

- For general information regarding the EB-5 visa classification, refer callers to the USCIS home page, have callers select the "Green Card" hyperlink and then select "Green Card Through a Job" in the dropdown menu. Instruct callers to then select the link "Green Card Through Investment" and click on the "EB-5 Immigrant Investor" link that appears on the right hand side.
- For questions regarding future EB-5 Stakeholder Meetings, refer callers to the Office of Public Engagement at public.engagement@dhs.gov.

Back to: EB5 Alien Entrepreneurs Nonimmigrant Treaty Traders and EB-5s Main Menu

Does an alien under this classification with a pending I-485 based on employment have to obtain work authorization to continue working in the U.S.?

An alien under this classification will have to obtain work authorization to work in the U.S. if they do not have one of the following:

- A valid H-1B visa or a valid L-1 visa.

Does an alien under this classification with a pending I-485 based on employment have to obtain advance parole prior to leaving the U.S. to reenter the U.S. after travel abroad?

An alien under this classification will have to obtain an advance parole prior to leaving the U.S. to reenter the U.S. after travel abroad if they do not have one of the following:

- A valid H-1B visa or a valid L-1 visa

Back to: EB5 Alien Entrepreneurs Nonimmigrant Treaty Traders and EB-5s Main Menu

USCIS PROCESSING TIMES

A how to guide to look up processing times

Case Status Online

- Accessed from USCIS.gov
- CSOL provides users with secure, self-service access, via the web, to USCIS application status information.
- Information is displayed in English and Spanish.
- You will be able to check the status of a case for your caller using CSOL.
- Your caller must have a receipt # to be able to check the caller's status.
- This receipt # must be from a service center

Receipts

- When an application or form is filed, in many cases, the filer receives a receipt in the mail.
- Receipt numbers consist of a 3 letter prefix, followed by 10 numbers or special characters.
- Ex: EAC1234567890 or NBC*123456789
- A receipt is the confirmation that what they filed was received (I-797).
    - Online or by mail: Filing to a service center – 30 days
    - Lockbox facility – 10 days
- The application instructions explain where it is going, this is based on the form and the reason it is being filed.

Types and functions of I-797

USCIS notices will almost always be an I-797.

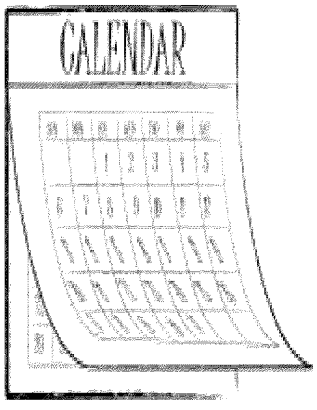
- I-797: Issued when an application or petition is approved.
- I-797A: Issued to an applicant as a replacement Form I-94.
- I-797B: Issued for approval of an alien worker petition.
- I-797C: Issued to communicate receipt of payments, rejection of applications, transfer of files, fingerprint biometric, interview and re-scheduled appointments, and re-open cases.
- I-797D: Accompanies benefit cards.
- I-797E: Issued to request evidence.
- I-797F: Issued overseas to allow applicants to travel.

NCSC Structure – Service Centers and National Benefits Center

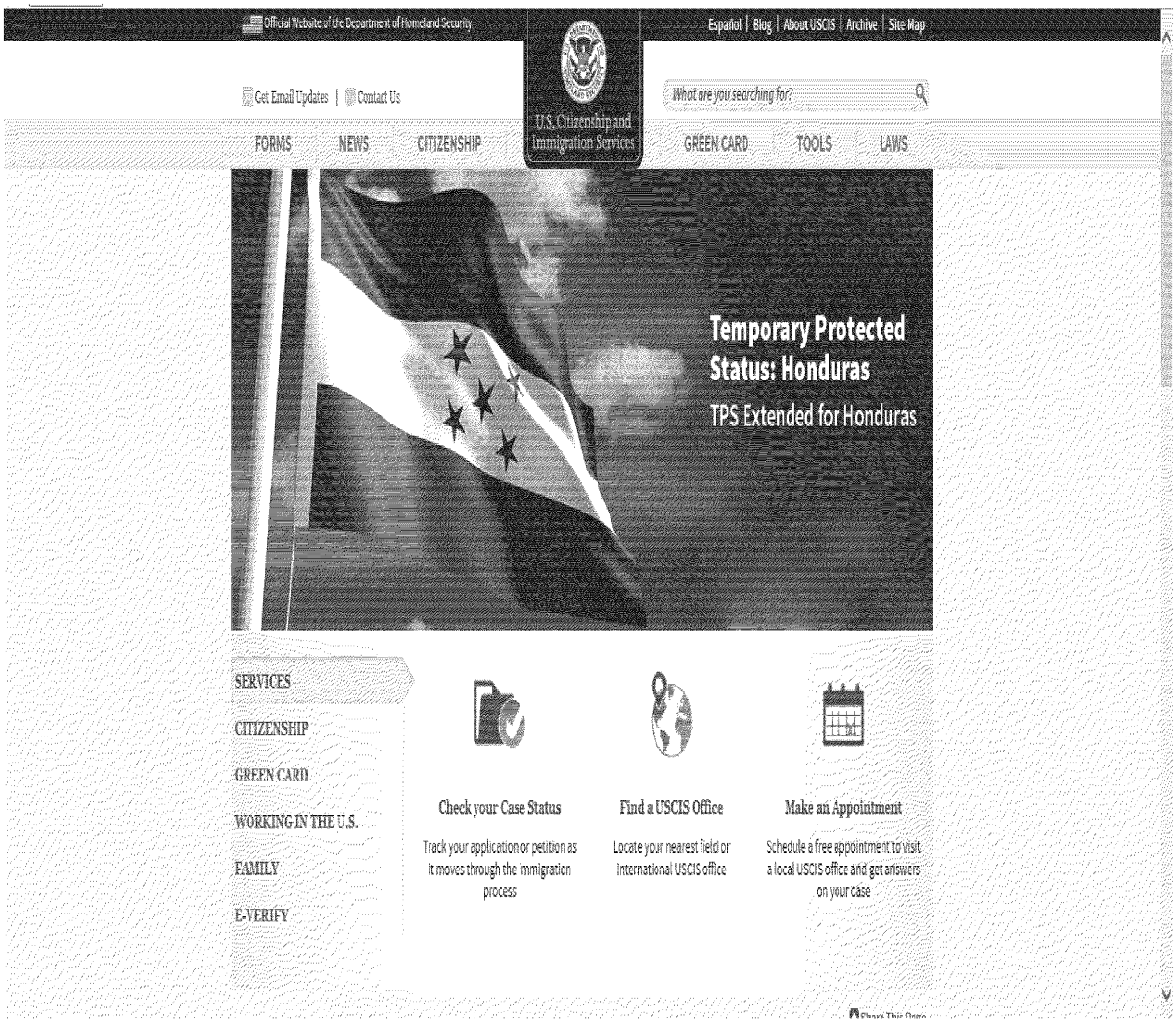
- The centers are located in 5 states.
  - California Service Center - WAC
  - Nebraska Service Center - LIN
  - Texas Service Center - SRC
  - Vermont Service Center - EAC
  - National Benefits Center
    - The NBC is located in Missouri
    - AKA MSC

Processing Times

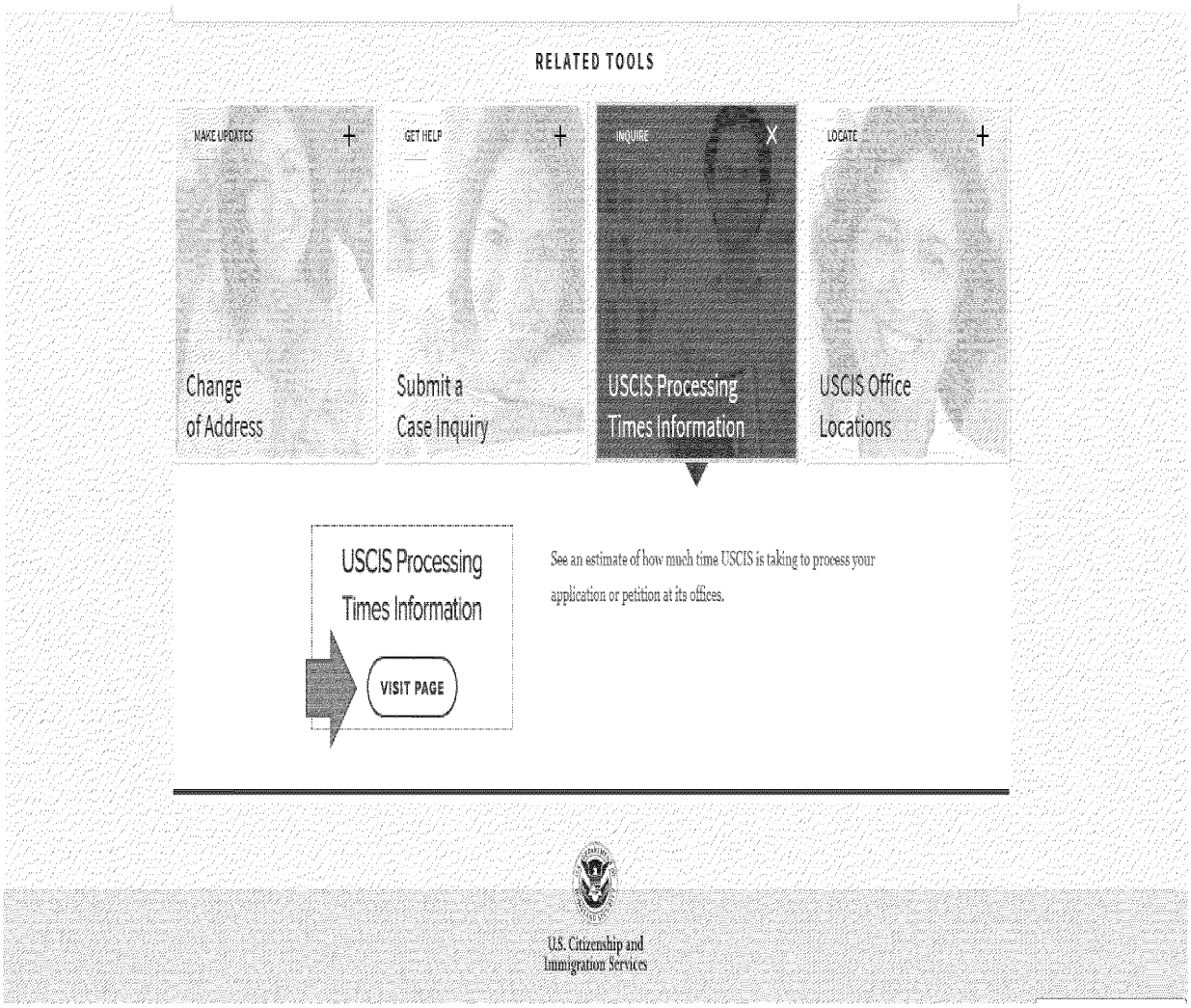
- These are timeframes for USCIS offices processing of forms at Field Offices, Service Centers and NBC.
- **Updated Once a Month**.
- Available in English and Spanish.



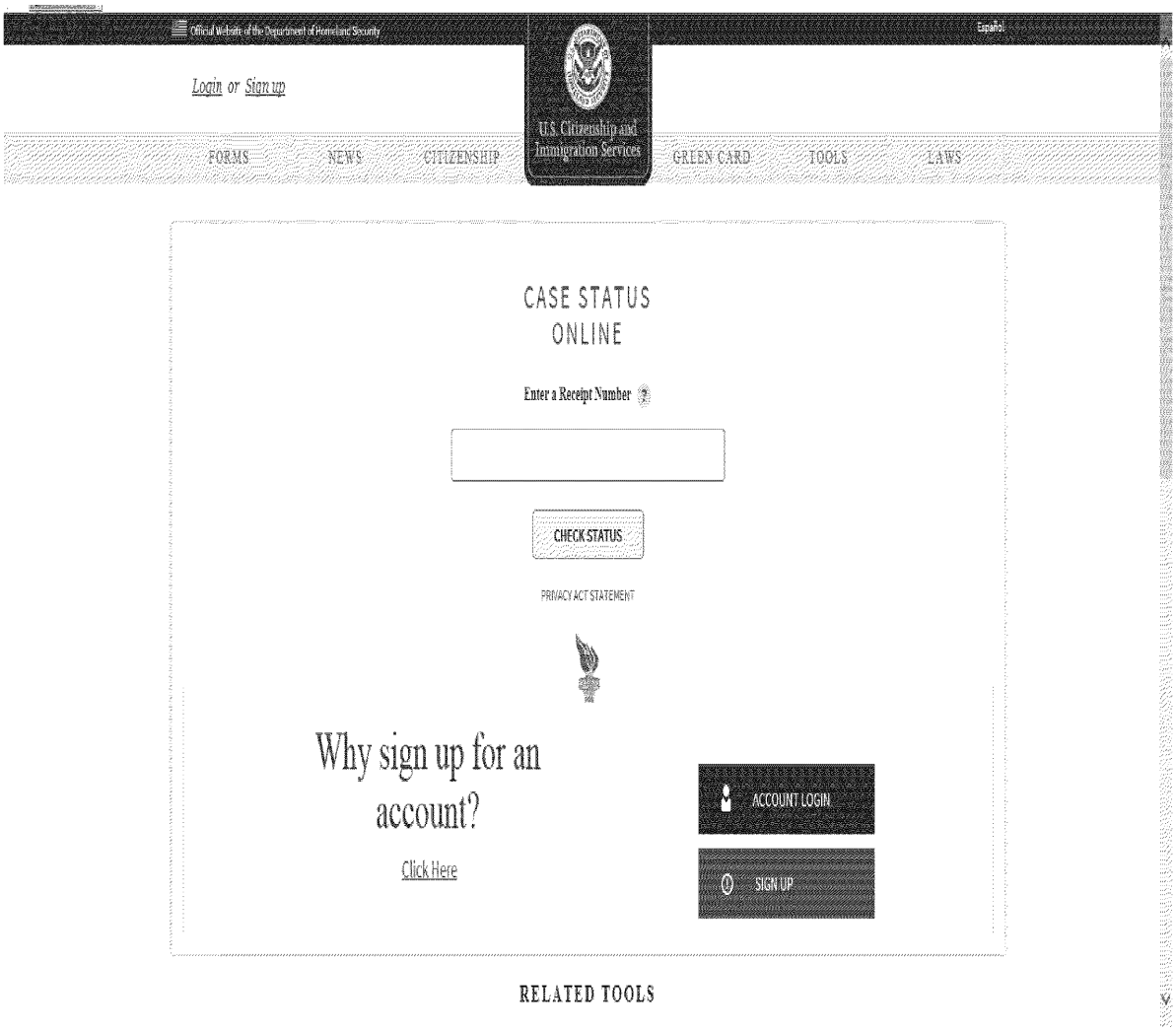
Visit www.uscis.gov



Checking processing times on www.uscis.gov



Enter Receipt Number:



Retrieving Processing Times Table

Instructions for Using the Chart

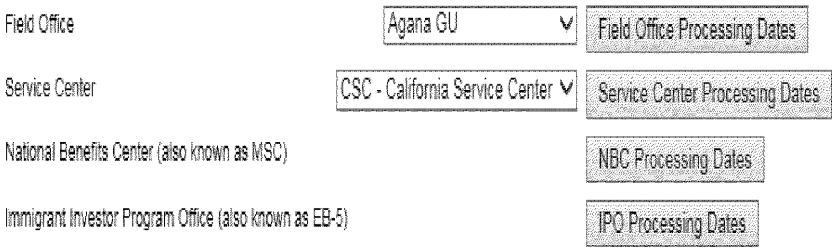
The chart will show most of the types of forms processed at the field office or service center. You can select the form type that applies to your case from the drop-down menu.

If the field office or service center is meeting its goal for processing a form, you will find the timeframe listed in months. For example, if the office is processing Form N-400 naturalization applications in five months or less, then the chart will say "5 months." However, if the office is experiencing a processing delay, you will find the filing date of the last case that the office completed before updating the chart.

Important Information About Form I-765, Application for Employment Authorization

You can now submit inquiries about the status of your Form I-765 after your case has been pending more than 75 days.

- Please note that for Form I-765 category (c)(8), based on a pending asylum application, the processing timeframes listed only apply to an initial filing.
- Please note that the 90-day period for adjudicating Form I-765 category (c)(33) filed together with Form I-821D, requesting deferred action for childhood arrivals, does not begin until we have made a decision on your request for deferred action.



Para tener acceso a este sitio en **Español**, presione aquí.

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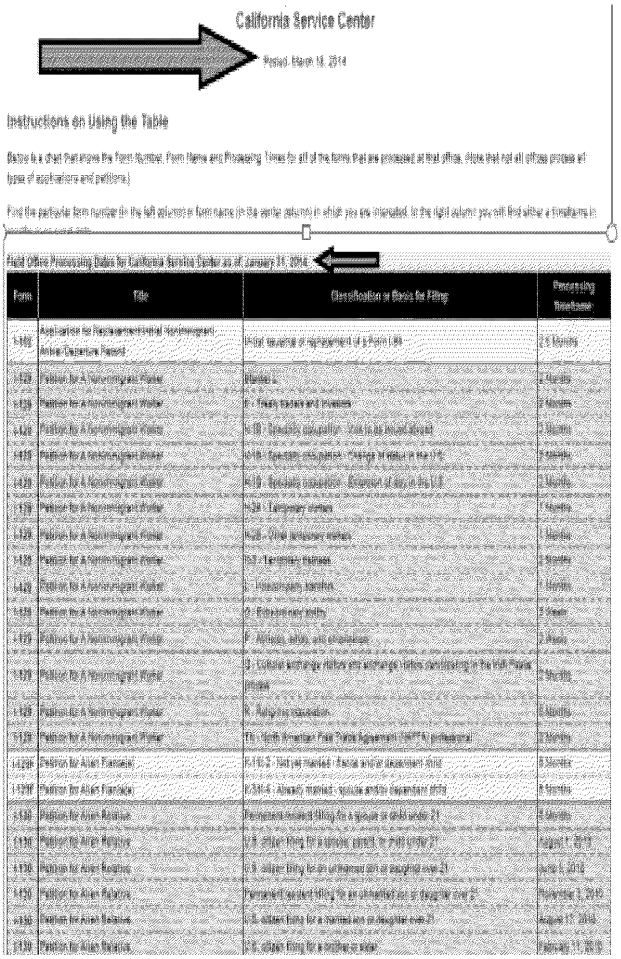
USCIS Processing Time Information



California Service Center

Posted: March 18, 2014

Instructions on Using the Table

Below is a chart that shows the Form Number, Form Name and Processing Times for all of the forms that are processed at that office. (Note that not all offices process all types of applications and petitions.)

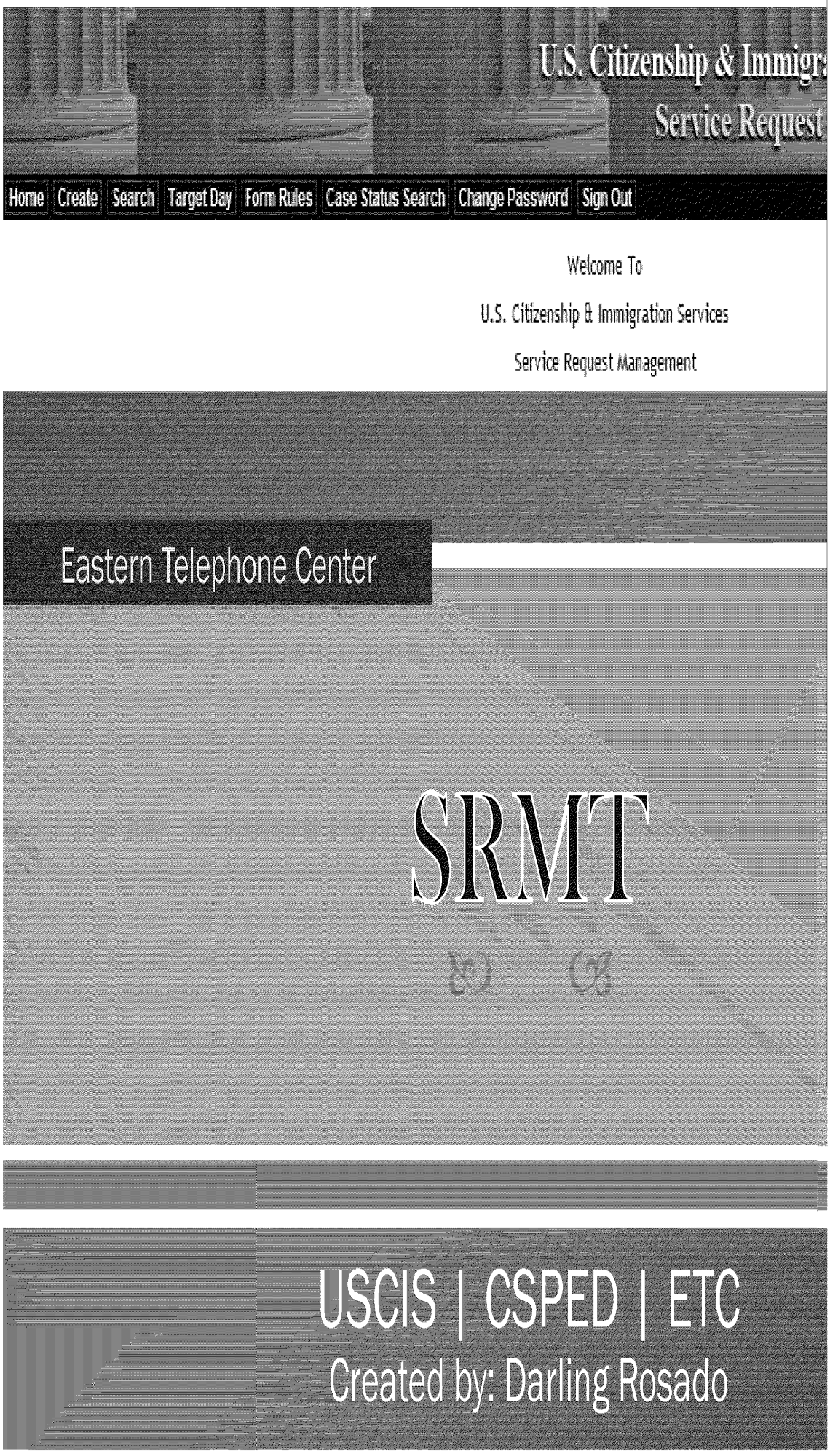
Find the particular form number in the left column or form name in the center column in which you are interested. In the right column you will find either a timeframe in months or a word cue.

Field Office Processing Dates for California Service Center as of January 31, 2014

Form	Title	Classification or Basis for Filing	Processing Timeframe
I-102	Application for Replacement/Initial Nonimmigrant Arrival-Departure Record	Initial issuance or replacement of a Form I-94	2.5 Months
I-129	Petition for A Nonimmigrant Worker	Blanket L	2 Months
I-129	Petition for A Nonimmigrant Worker	E - Treaty traders and investors	2 Months
I-129	Petition for A Nonimmigrant Worker	H-1B - Specialty occupation - Cap is not reached (Count)	2 Months
I-129	Petition for A Nonimmigrant Worker	H-1B - Specialty occupation - Change of status in the U.S.	2 Months
I-129	Petition for A Nonimmigrant Worker	H-1B - Specialty occupation - Extension of stay in the U.S.	2 Months
I-129	Petition for A Nonimmigrant Worker	H-2A - Temporary workers	1 Months
I-129	Petition for A Nonimmigrant Worker	H-2B - Other temporary workers	1 Months
I-129	Petition for A Nonimmigrant Worker	H-3 - Trainees, trainees	2 Months
I-129	Petition for A Nonimmigrant Worker	I - Foreign press, media	1 Months
I-129	Petition for A Nonimmigrant Worker	O - Extraordinary ability	2 Weeks
I-129	Petition for A Nonimmigrant Worker	P - Athletes, artists, and entertainers	2 Weeks
I-129	Petition for A Nonimmigrant Worker	Q - Cultural exchange visitors and exchange visitors participating in the Irish Peace process	2 Months
I-129	Petition for A Nonimmigrant Worker	R - Religious occupation	2 Months
I-129	Petition for A Nonimmigrant Worker	TN - North American Free Trade Agreement (NAFTA) professional	2 Months
I-129F	Petition for Alien Fiancée	K-1/K-2 - Initial request - Fiancé and/or dependent child	5 Months
I-129F	Petition for Alien Fiancée	K-3/K-4 - Already married - spouse and/or dependent child	5 Months
I-130	Petition for Alien Relative	Permanent resident filing for a spouse or child under 21	5 Months
I-130	Petition for Alien Relative	U.S. citizen filing for a spouse, parent, or child under 21	August 1, 2013
I-130	Petition for Alien Relative	U.S. citizen filing for an unmarried son or daughter over 21	June 6, 2013
I-130	Petition for Alien Relative	Permanent resident filing for an unmarried son or daughter over 21	November 1, 2010
I-130	Petition for Alien Relative	U.S. citizen filing for a married son or daughter over 21	August 17, 2010
I-130	Petition for Alien Relative	U.S. citizen filing for a brother or sister	February 11, 2013

Slide 11

MA1 Moreno, Adriana, 1/6/2016


U.S. Citizenship & Immigr
Service Request
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Create
Search
Target Day
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Change Password
Sign Out
Welcome To
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SRMT
USCIS | CSPED | ETC
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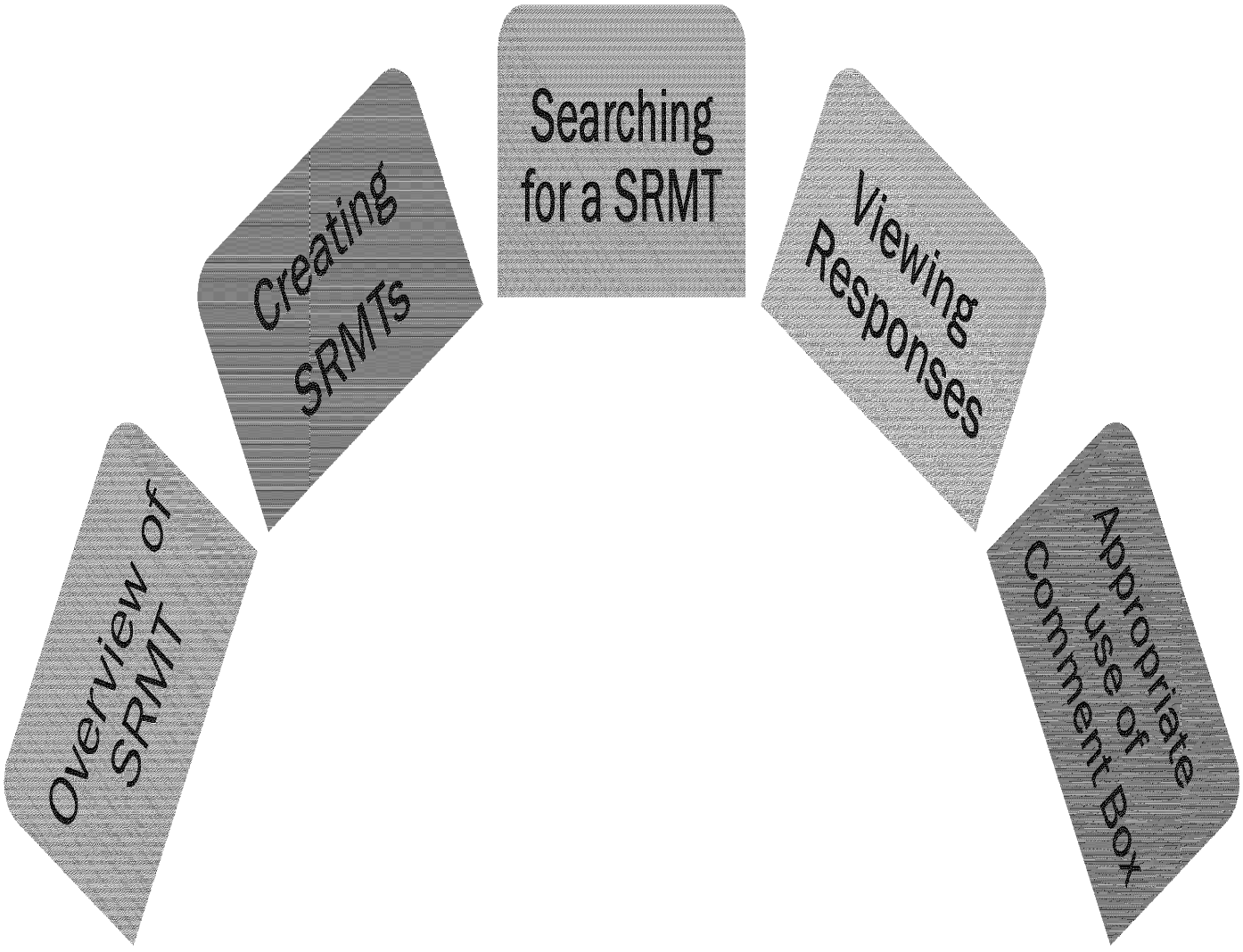
Table of Content



Overview o
SRMT

Service Request Management Overview

- What is a Service Request?
  - USCIS office personnel (ISO from NCSC/Field office) can create a SRMT to request the USCIS office to research and resolve issues from a defined set of reasons
- Service Request Management Workflow
  - Creation
  - Assignment
  - Fulfillment
  - Reporting
- Web-Enabled Access to All Service Requests

E-Request

Case Inquiry

Case outside normal processing time

Think a case is taking longer than expected?

Did not receive notice by mail

Think a notice is lost or missing?

Did not receive card by mail

Think a card is lost or missing?

Did not receive document by mail

Think a document is lost or missing?

Service Request

Appointment Accommodations

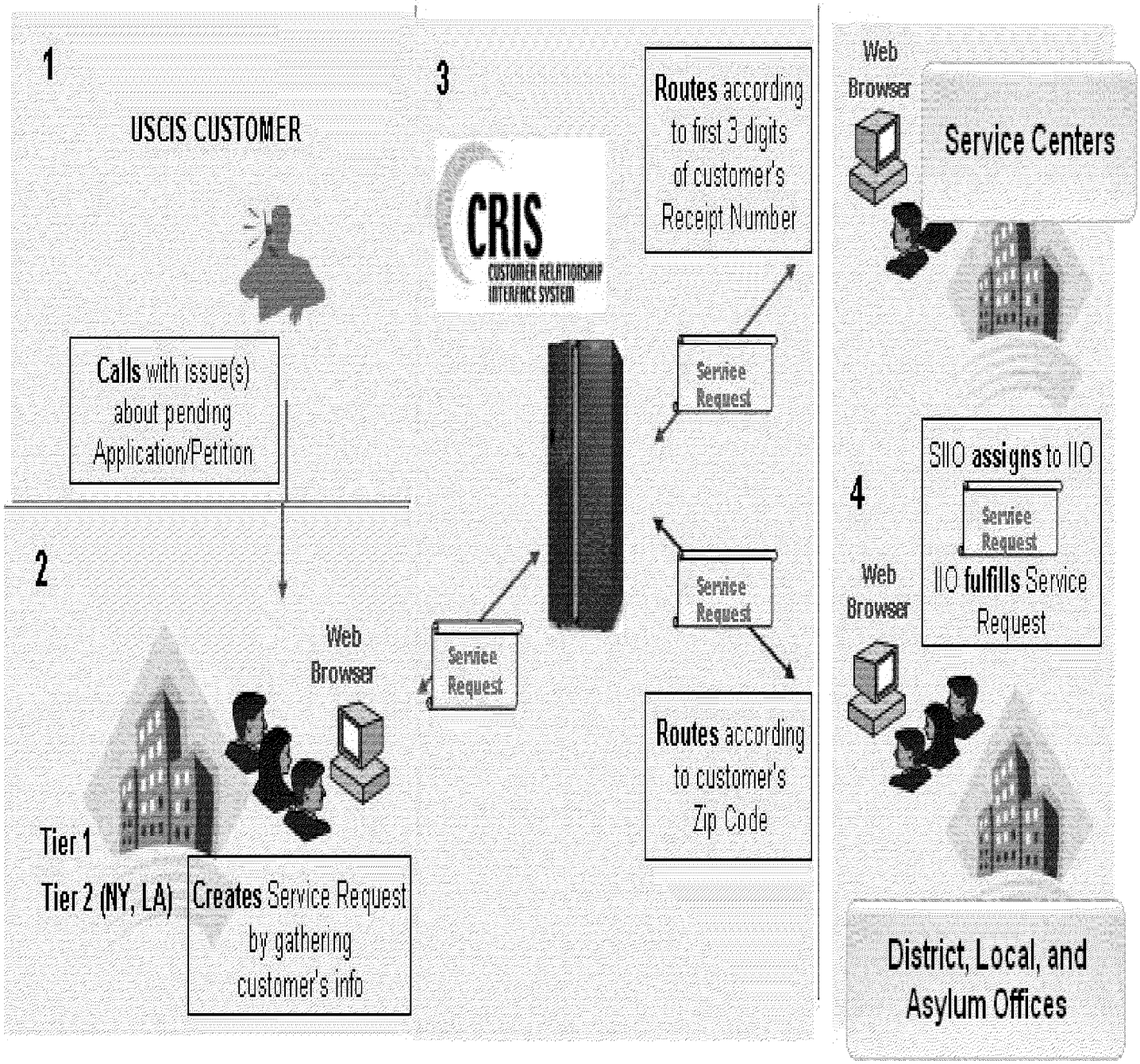
Request accommodations for an interview appointment

Typographic Error

Make typographic corrections for a case

- Applicants/Petitioners can created service requests online for their pending cases for variety of reasons.
- Service Request Types available online: ONPT, Non-Delivery of a notice, PRC & other documents, Appointment Accommodations & Typographic Error

Service Request Management Workflow



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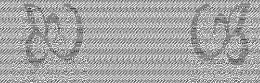
SRMTs



SRMT Creation Step 1

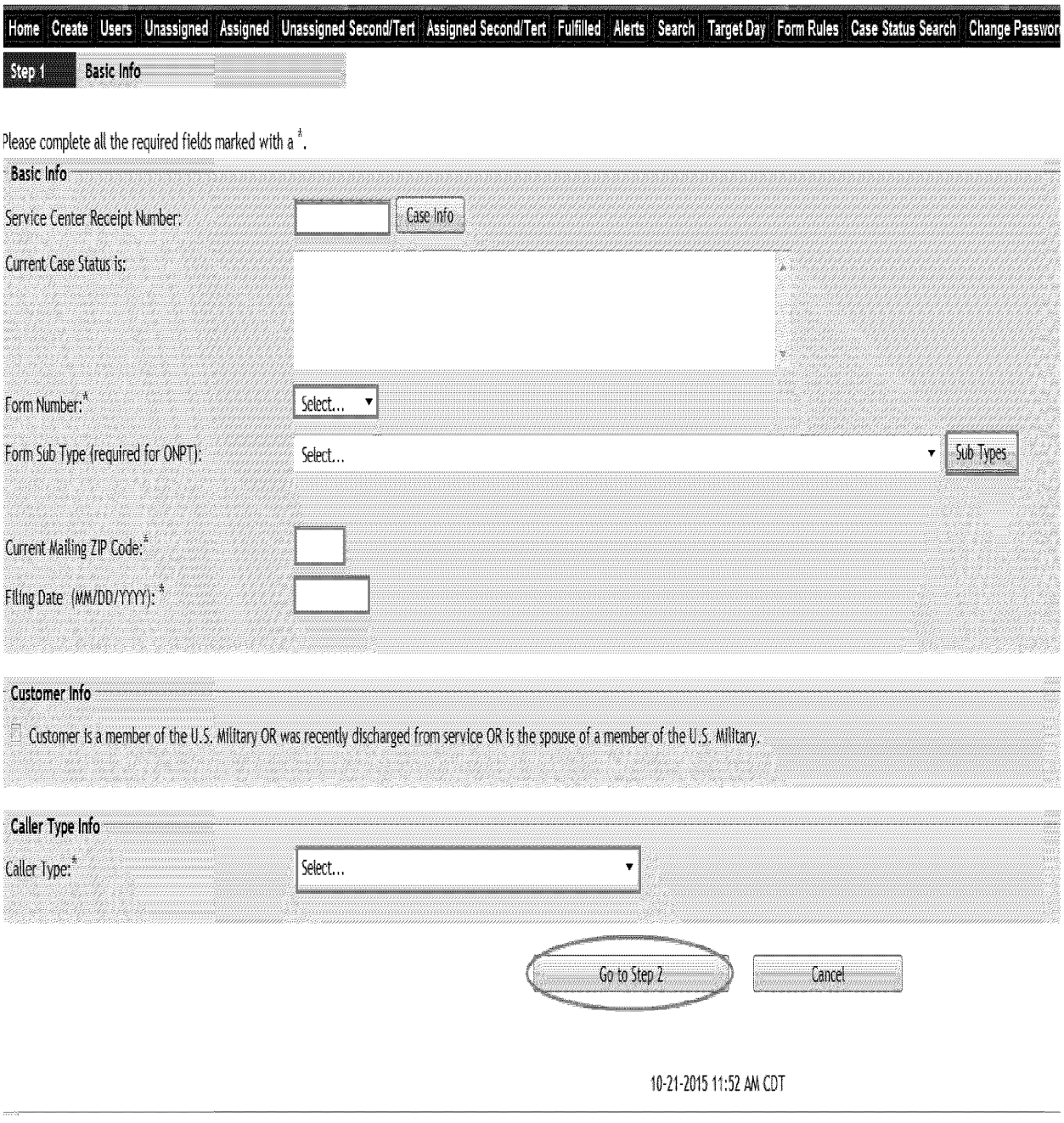
Click the option **Create** from the top menu to start the creation of a SRMT

1. Enter the Basic Information
    1. Fields Mark with a * are required
    2. Only USA zip codes are accepted, for military members select the field so an APO address can be used

- Caller Type Information
    - Select the appropriate caller type depending on who is the customer making the inquiry. For a list and description of the caller type click here.

After the basic information is enter click 

SRMT Creation- Step 1

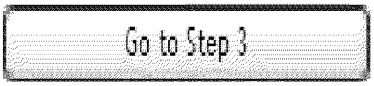


SRMT Creation Step 2

2. Service Request Type
   - Select the appropriate Service Request following the guidance established for each type

Ex.. **Administrative Error** request type MUST ONLY be used if the case was denied and the reason is one of the 4 defined reasons on the Instructional Memorandum.

Click here to view a complete list of Caller Types and Request Types and its explanations

After the Service Request type is selected click 

SRMT Creation Step 2

Step 2 **SR Type**

Current Case Status is: On September 11, 2013, we approved your Form I-130, Immigrant Petition for Relative, Fiance(E), or Orphan, Receipt Number [redacted] to www.uscis.gov/addresschange to give us your new mailing address.

Receipt Number: [redacted] Reported: [redacted]

Form Number: I130

Form Sub Type:

Please complete all the required fields marked with a *.

Service Request Type

- ☐ Accommodation - Hearing Impairment
- ☐ Accommodation - Physical Impairment
- ☐ Accommodation - Sight Impairment
- ☐ Accommodation - Speech Impairment
- ☐ Administrative Error
- ☐ Change of Address
- ☐ Denial Information
- ☐ Expedite
- ☐ Filing Question
- ☐ Fingerprints/Biometrics
- ☐ Interview Reschedule
- ☐ No Automated Information
- ☐ Non-Delivery of Approval Notice
- ☐ Non-Delivery of Denial Notice
- ☐ Non-Delivery of Other Notice
- ☐ Non-Delivery of RFE Notice
- ☐ Other
- ☐ Outside Normal Processing Times
- ☐ Refund Request - Appeals/MTRs Based on Clear Agency Error
- ☐ Refund Request - Failure to Meet Premium Processing Times
- ☐ Refund Request - Other
- ☐ Refund Request - Payment in Excess of Amount Due
- ☐ Refund Request - Unnecessary Filing
- ☐ Return of Original Document
- ☐ Typographical Error
- ☐ Upgrade I-130

SRMT Creation Step 3

- Enter the applicant/petitioner or Attorney /Representative information
  - All the required fields marked with a *.
  - Fields marked with + are required for a duplicate check.

After the Caller information has been entered click 

SRMT Creation- Step 3

Form Number:* 1130

Form Sub Type:

Please complete all the required fields marked with a *.

Fields marked with + are required for a duplicate check.

Service Request Type

- Other

Customer Info

Customer Last Name:* +

Customer First Name:* +

Customer Date of Birth (MM/DD/YYYY):* + Duplicate Check

Account Number: A

Customer E-mail:

Primary Phone Number: (nnn-nnn-nnnn[-xxxx])

Alternate Phone Number: (nnn-nnn-nnnn[-xxxx])

In Care Of for Mailing Address: C/O

Mailing Address Line 1:*

Mailing Address Line 2:

Apartment/Floor/Suite: Select...

Unit Number:

Mailing City: Bronx

Mailing State: NEW YORK

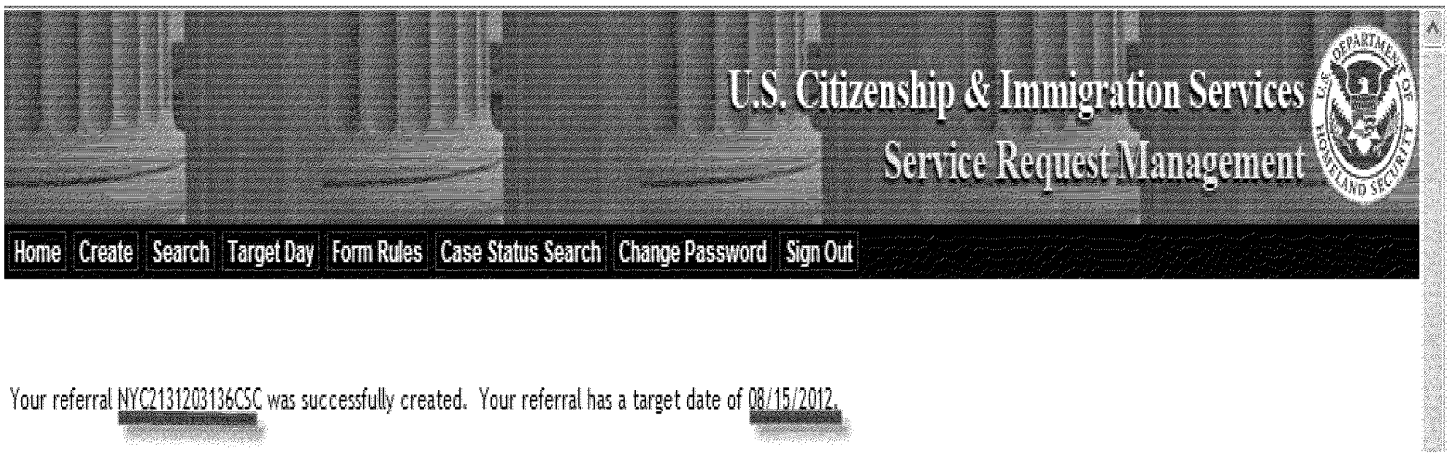
Mailing ZIP Code: 10463

Back to Step 2 | Go to Step 4 | Reset | Cancel

SRMT Creation Step 4

- Complete the Case Routing Information
  - If Override is required select the appropriate office
  - If explanation/details is required explain in details in the comment box
- After the SR Details is filled click 

A referral ID is created for the request



SRMT Creation- Step 4

Home | Create | Users | Unassigned | Assigned | Unassigned Second/Tert | Assigned Second/Tert | Fulfilled | Alerts | Search | Target Day | Form Ru

Step 4 | SR Details

Receipt Number: (b)(6) Reported:

Form Number:* I130

Form Sub Type:

Please complete all the required fields marked with a *.

Service Request Type

- Other

Case Routing Info

SRMT determined service request will route to: CSC - CALIFORNIA SERVICE CENTER

Override where to route

SC, NBC (MSC), or Lockbox: Select...

Local USCIS Office: Select...

Comments

- For other requests, briefly describe the request

Searching for a SRMT

Service Request Search

1. Click on Search Tab from the Menu Bar
2. Search can be performed by:
   - Receipt Number
   - Referral Number
   - A-Number
   - Other options for searching

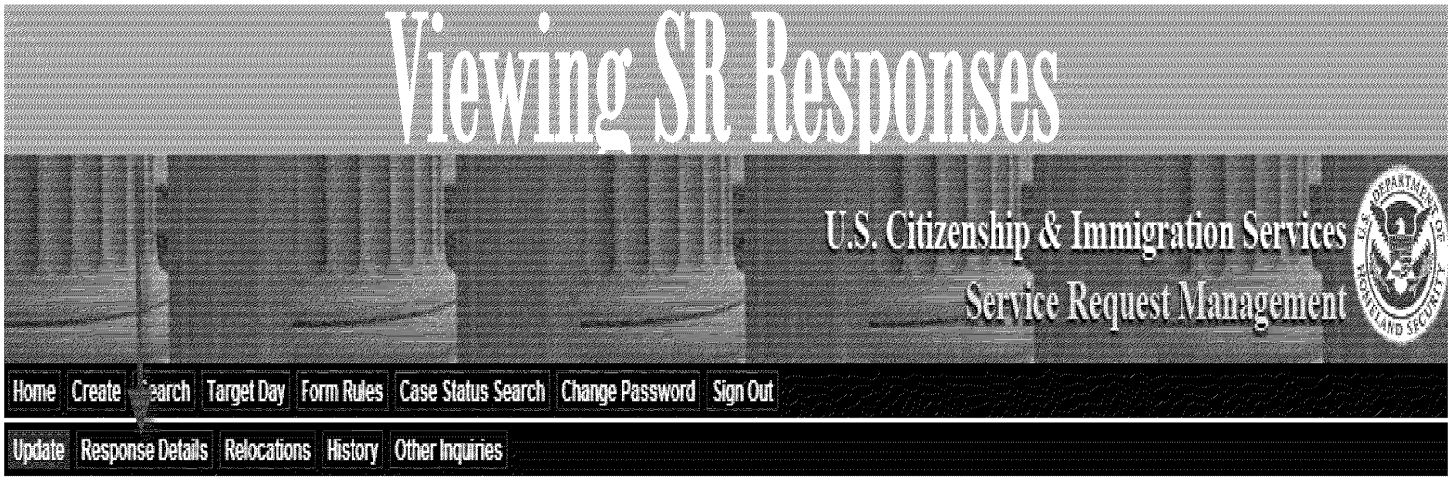
- Enter the search criteria to search
- Click Enter or Submit
- System will display the search results

To sort cases, click a column header below.

Referral ID	Category	Type	Form Number	Start Date	Assigned Date	Target Date	Office	Service Center	Status	Receipt Number	History	Assign To Hist.
ETC. MSC	Primary	CoA	N400	01/29/2015	01/30/2015	02/03/2015		MSC	Fulfilled	NBC*0	History	Assign To Hist.
ETC. OKL	Primary	ONPT	N400	01/29/2015	01/30/2015	02/13/2015	OKL		Fulfilled	NBC*0	History	Assign To Hist.
T1D. OKL	Primary	Interview Reschedule	N400	08/08/2014	08/11/2014	08/23/2014	OKL		Fulfilled	NBC*0	History	Assign To Hist.

Viewi
Respor

Viewing SR Responses



1. Perform a search
2. Select the referral from the displayed results

To sort cases, click a column header below.

Referral ID	Category	Type	Form Number	Start Date	Assigned Date	Target Date	Office	Service Center	Status	Receipt Number	History	Assign To Hist.
ETC. MSC	Primary	CoA	N400	01/29/2015	01/30/2015	02/03/2015		MSC	Fulfilled	NBC*0	History	Assign To Hist.
ETC. OKL	Primary	ONPT	N400	01/29/2015	01/30/2015	02/13/2015	OKL		Fulfilled	NBC*0	History	Assign To Hist.
T1D. OKL	Primary	Interview Reschedule	N400	08/08/2014	08/11/2014	08/23/2014	OKL		Fulfilled	NBC*0	History	Assign To Hist.

    1. The date created, assigned, target and status will be display
3. Open the referral
4. Click Response Details
5. The status of the request will display and the method used to respond (e-mail/mail/call)
6. To view the content of the response click Print PDF / Print HTML

SRMT Response

Response Details

Service Request Summary

Receipt Number:	[redacted]
Service Request Type:	CoA
Referral ID:	ETC.[redacted].MSC
Target Date:	02/03/2015
Date Received:	01/29/2015
Date Assigned:	01/30/2015
Date Fulfilled:	01/30/2015

Service Request Status: Fulfilled

Service Request Responses

Response ID	Type	Last Change	Sent to	Comments	Actions
[redacted]	Mail	Sent on 01/30/2015@16:13:42 by [redacted]	Jean St Paul, Fort Lauderdale, FL		View Print PDF Print HTML

(b)(6)

SRMT Responses

USCIS National Benefits Center
P.O. Box 648005
Lee's Summit,MO 64002

U.S. Citizenship and Immigration Services

Friday, January 30, 2015

[redacted]
27[redacted]
FORT LAUDERDALE FL
33311

Dear [redacted]1:

On 01/29/2015 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	Applicant or Petitioner
Attorney Name:	Information not available
Case type:	N400
Filing date:	04/28/2014
Receipt #:	[redacted]
Referral ID:	ET[redacted]MSC
Beneficiary (if you filed for someone else):	Information not available
Your USCIS Account Number (A-number):	A0[redacted]
Type of service requested:	Change of Address

The status of this service request is:

Recently, you called us to update your address. We have updated your address in our systems and on your application or petition. Thank you for notifying us of your change of address. If you change your address again in the future, please contact customer service at the number provided below. If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must submit Form AR-11 AND notify this office of their change of address, within 10 days from when they move (persons in A or G nonimmigrant status are exempt from this requirement). To notify this office of a move, visit our website at: www.uscis.gov or call the National Customer Service Center at 1-800-375-5283. The Form AR-11 can be downloaded from our website or you can call the National Service Center at 1-800-375-5283 and we can order one for you. Instructions for filing the Form AR-11, including mailing instructions, are included on the Form.

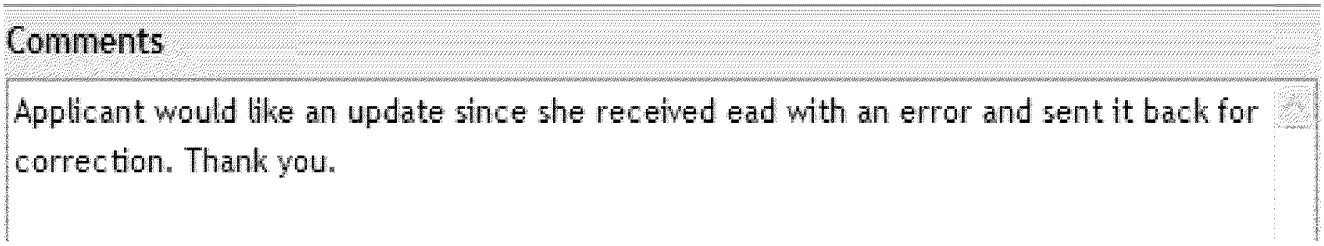
U.S. Citizenship and Immigration Services

Appropri
use o
Comment

Appropriate Use of Comment Box

- When a request is created and an explanations is needed, in the comment box explain the situation in **details.**
- If the comment is vague, it is difficult for the service center or field office to construct an appropriate response due to the lack of information notated in the comment field

Ex.. Applicant returned the EAD card because there was an error on the card. After not receiving any information or new card the applicant called NCSC and in Case History it indicates that **"Card Returned with correspondence"** officer creates a SRMT to inquire and in the comment box he/she writes:



This explanation is vague; The comment did not explain the error on the card. As a result the office was not able to respond appropriately.

Response to SRMT

The status of this service request is:

Based on the information you have provided, the Vermont Service Center is not able to identify an error to your Employment Authorization Document (EAD).

In order for us to identify an error to your EAD, please call customer service at the number provided below and explain the error in detail. Provide information on what the error is and what you believe the correction should be. Once we receive this information we will be better able to assist you with your request.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must submit Form AR-11 AND notify this office of their change of address, within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). To notify this office of a move, visit our website at: www.uscis.gov or call the National Customer Service Center at 1-800-375-5283. The Form AR-11 can be downloaded from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. Instructions for filing the Form AR-11, including mailing instructions, are included on the Form.

U.S. Citizenship and Immigration Services

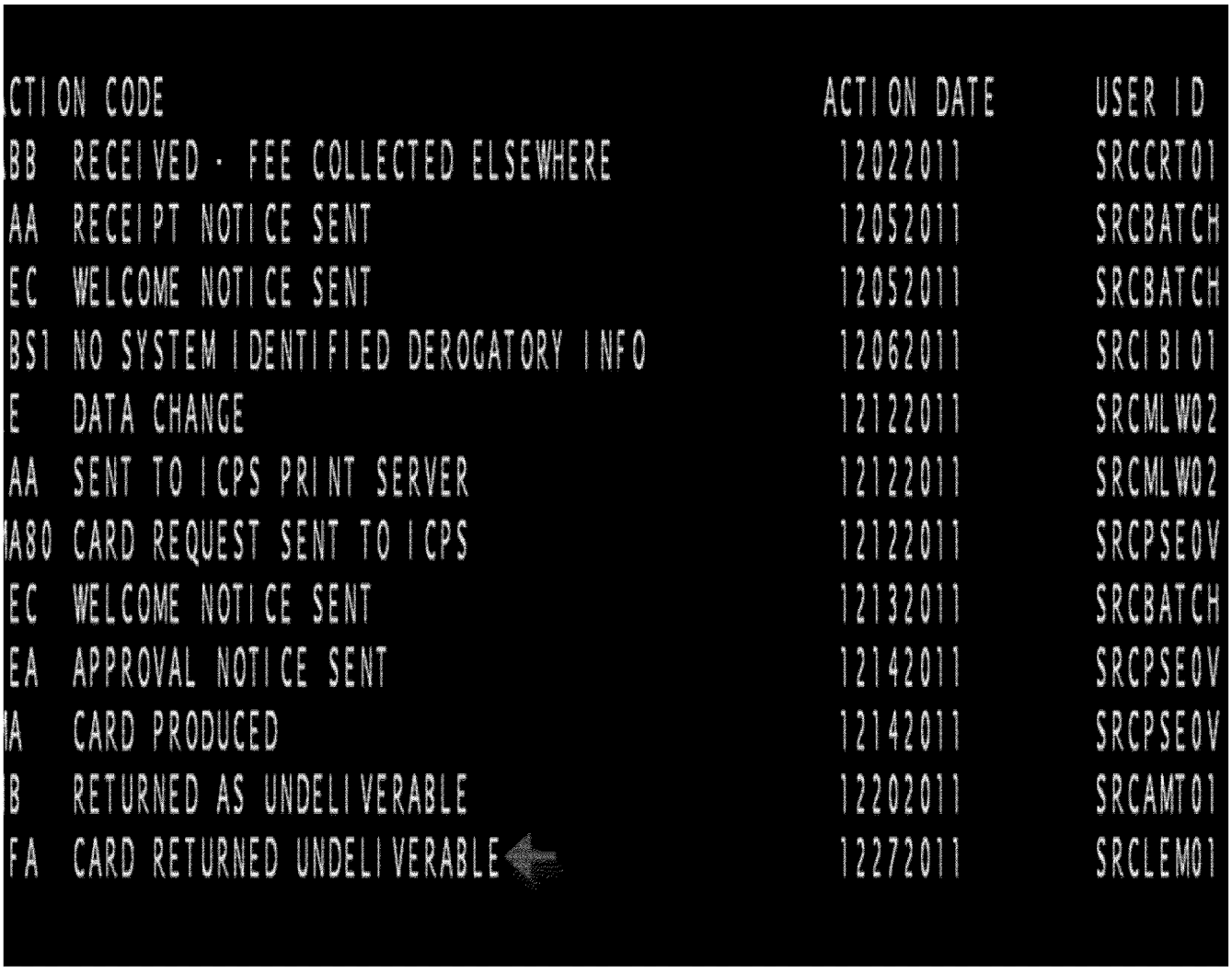
Appropriate Use of Comment Box

- The comment written on the comment box is crucial because it that affects the response of the inquiry.
- In the comment box explain thoroughly the circumstances. Ex. For an Expedite Request explain the situation/reason of the request not only the category of expedite.

PONDS Request

- For the following Service Centers use PONDS e-mail instead of SRMT. By using the PONDS e-mail system, the officer will not be required to complete a service request for a change of address and a non-delivery of LPR card.
  - CSC E-mail: CSC VII CRU CSC-VII.CRU@uscis.dhs.gov
  - NSC E-mail: Ponds, NSC NSC.Ponds@uscis.dhs.gov
  - TSC E-mail: PONDS, TSC TSC.PONDS@uscis.dhs.gov

PONDS Request cont.



CTION CODE		ACTION DATE	USER ID
BB	RECEIVED - FEE COLLECTED ELSEWHERE	12022011	SRCCRT01
AA	RECEIPT NOTICE SENT	12052011	SRCBATCH
EC	WELCOME NOTICE SENT	12052011	SRCBATCH
BS1	NO SYSTEM IDENTIFIED DEROGATORY INFO	12062011	SRCIBI01
E	DATA CHANGE	12122011	SRCMLW02
AA	SENT TO ICPS PRINT SERVER	12122011	SRCMLW02
MA80	CARD REQUEST SENT TO ICPS	12122011	SRCPSEOV
EC	WELCOME NOTICE SENT	12132011	SRCBATCH
EA	APPROVAL NOTICE SENT	12142011	SRCPSEOV
MA	CARD PRODUCED	12142011	SRCPSEOV
B	RETURNED AS UNDELIVERABLE	12202011	SRCAMT01
FA	CARD RETURNED UNDELIVERABLE	12272011	SRCLEM01

Before a Ponds request is generated ensure that the card has been returned as undeliverable to the Service

PONDS Responses

- If the document has not been returned to the service center as undeliverable the following response will be generated by the service center:

Good Day,

I have reviewed your request and found the card(s) were not returned to TSC as an undeliverable card. Undeliverable documents/notices are many times mistaken for the undeliverable card. When a card is returned by the Postal Service to TSC as an undeliverable card, CLAIMS history is updated to reflect "Card Returned as Undeliverable". If you indicated a new mailing address it has been updated in CLAIMS. In the future, if the card is returned to TSC it will be re-mailed to the new address supplied. If the customer does not receive their card in a timely manner they should be advised to file an I-90B indicating they never received their card. No fee is required for "B" filings. This does not ensure they will receive a new card with no fee; the I90 must still be adjudicated and a decision rendered by an officer.

THE END

QUESTIONS?

- Darling Rosado
- Darling.R.Rosado@uscis.dhs.gov

SRMT

Training Guide

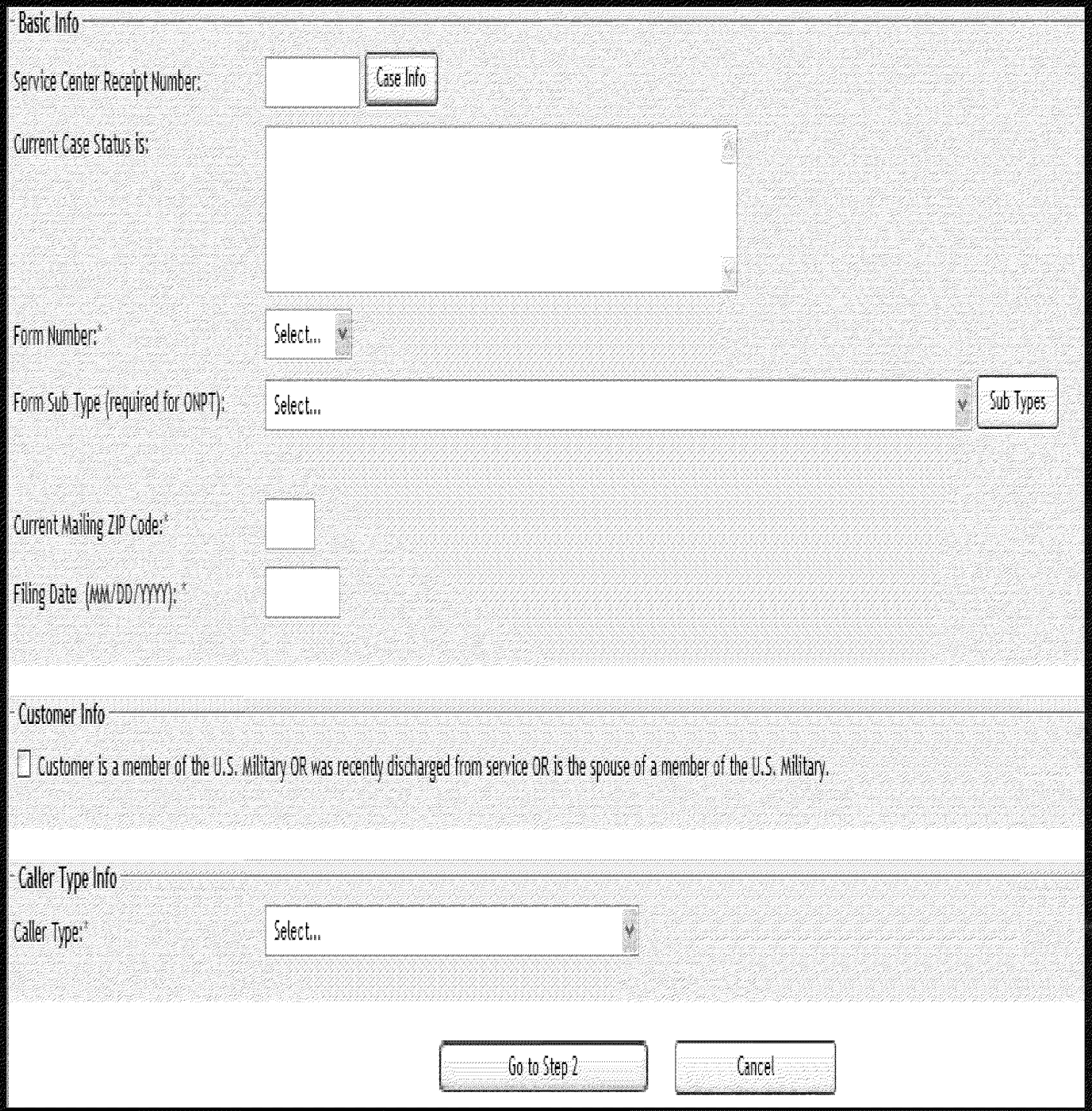
Objective

- The Service Request Management Tool (SRMT) is a means for USCIS customers to request and track information on the processing of cases residing at USCIS Service Centers, Field and Asylum offices. This training provides information on the basic functions, creation, and issues which may arise during usage of SRMT.

Basic Functions

- **"CREATE"** – Allows user to generate a new SRMT.
  - If there is a previous SRMT under the same category, there is a time restriction (7/30/60 days) on when a new referral under that same category can be created.
  - A new referral under the same category as a previously created referral will be routed to the same office from the prior referral.
  - Referrals can be edited by ISO/IIO unless they have been assigned.

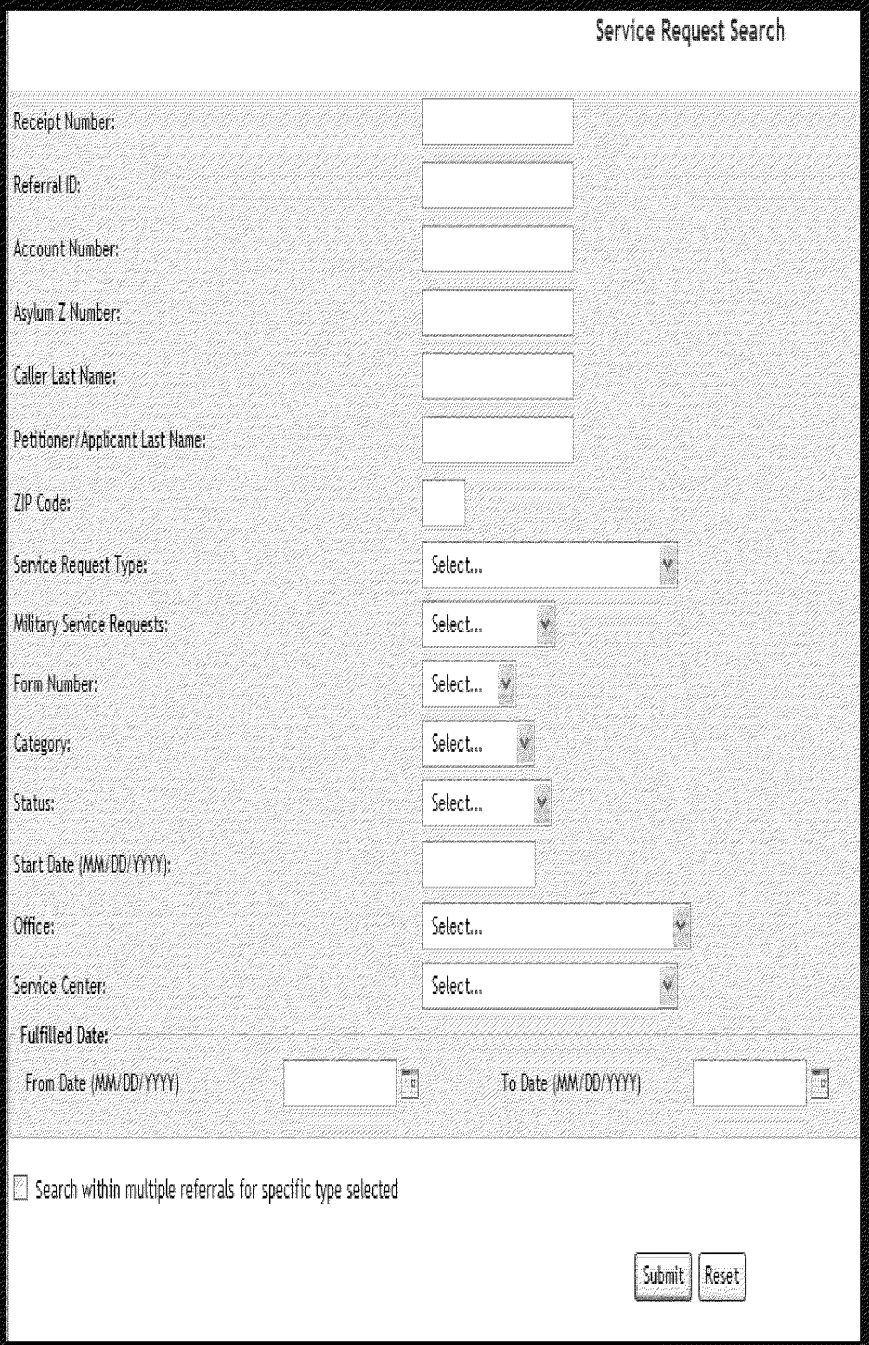
Creation Screenshot



Basic Functions – cont'd

- **"SEARCH"** – Allows the user to search for referrals under multiple categories
  - Prior to completing a new referral, it is recommended that you check to see if there are any existing/outstanding referrals.
  - Reviewing existing referrals may provide you with additional insight on case status.

Search Screenshot



Basic Functions – cont'd

- **"CASE STATUS SEARCH"** – Allows the Officer to check the IVR/Website information that is available to the customer.
  - The information contained here may conflict with information from CLAIMS3/4.
  - It is a good idea to check this screen before providing customer with information to ensure consistency/accuracy of information provided.

Case Status Screenshot

Receipt Number: [redacted] (b)(6)

Application Type: OS155A, IMMIGRANT VISA AND ALIEN REGISTRATION

Current Status: Approval notice sent.

On December 7, 2010, we mailed you a notice that we have approved this OS155A IMMIGRANT VISA AND ALIEN REGISTRATION. Please follow any instructions on the notice. If you move before you receive the notice, call customer service at 1-800-375-5283.

Creating an SRMT

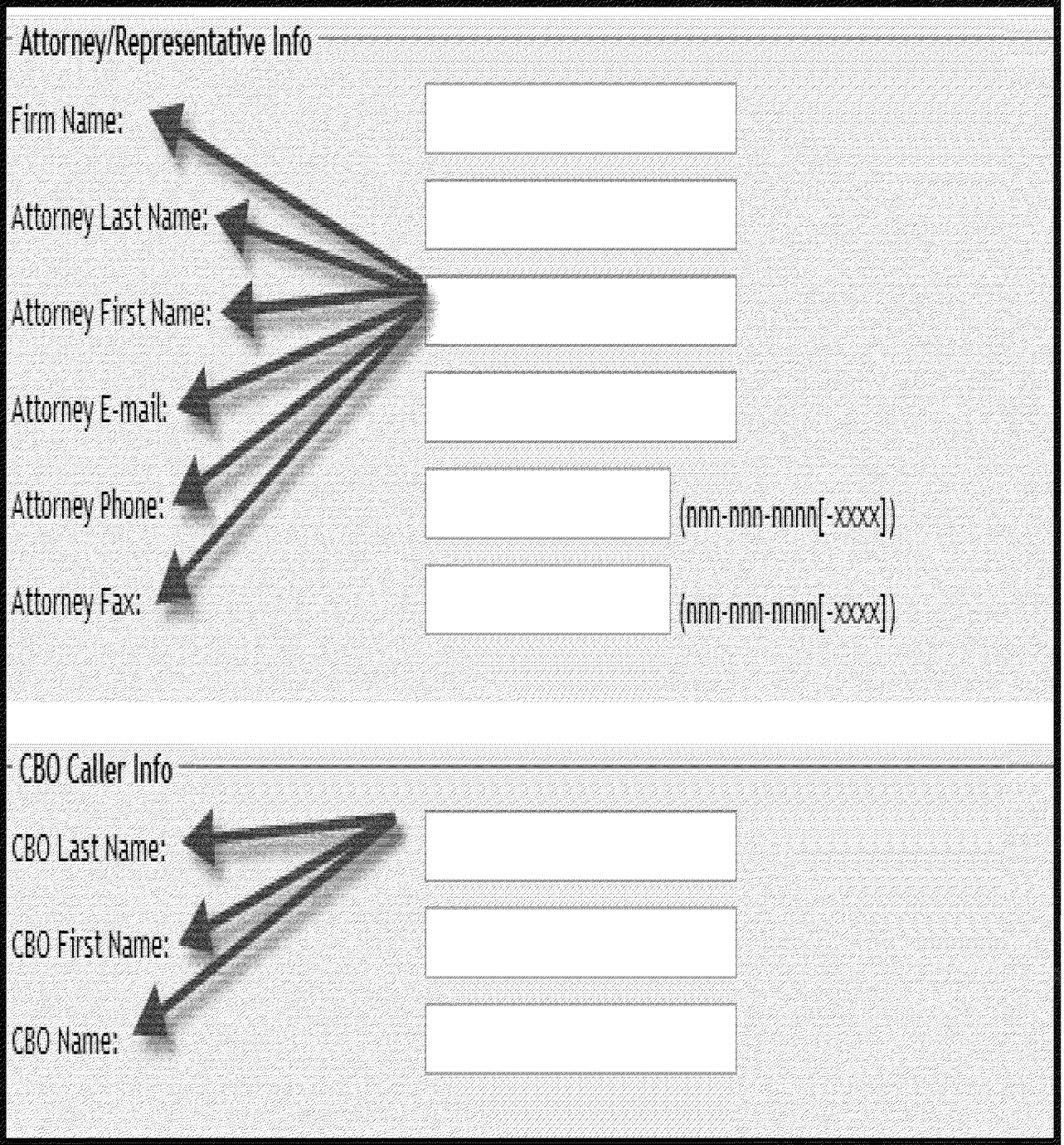
- Input receipt number, form number, zip code, filing date, and caller type.
  - Remember to indicate whether caller is military/military family member.
- Select referral type from the list provided.
- Populate customer/attorney information into corresponding fields.
- Determine routing of referral to the correct office (ie. Where the file is)
- Provide a brief, concise explanation of reason for referral.
- Submit referral.
- Provide customer with referral number.

SRMT
Input of Representative Addres

Issue:

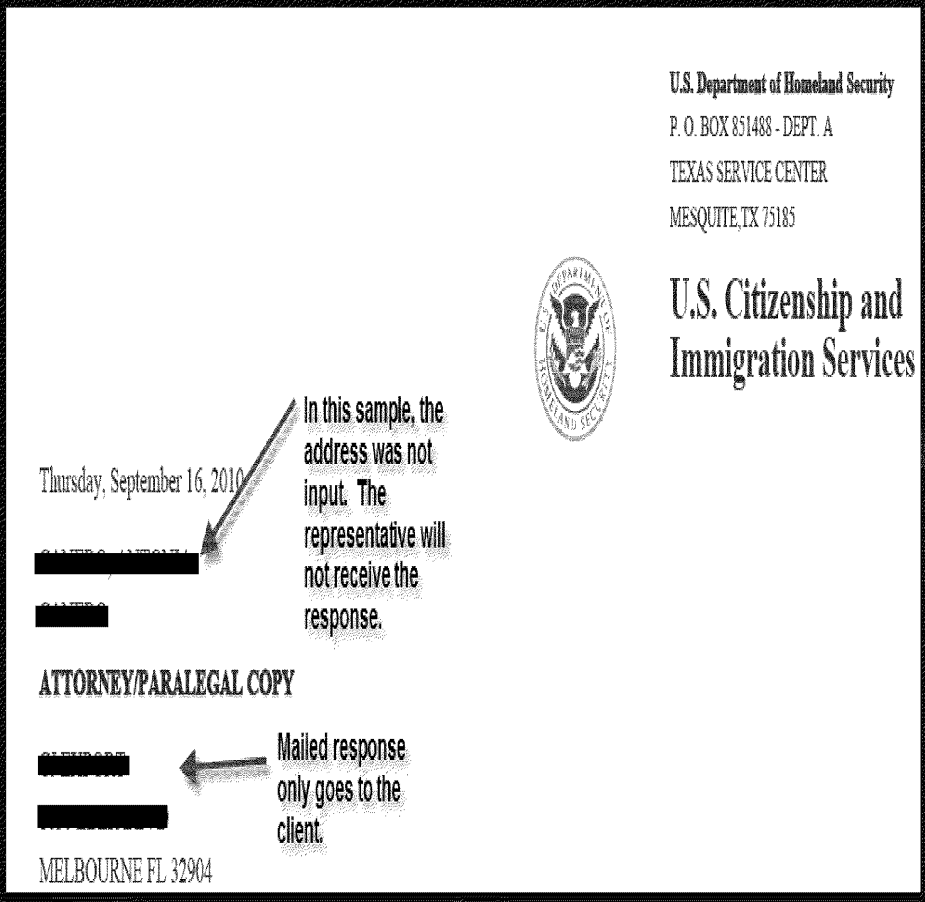
- When initially creating an SRMT for an attorney/paralegal/CBO, the ISO is unable to input the representative's address because there is no available field for representative address input.
- In the following slide, you can see which fields are available during the SRMT creation stage:

Issue – Cont'd


Attorney/Representative Info
Firm Name:
Attorney Last Name:
Attorney First Name:
Attorney E-mail:
Attorney Phone:
(nnn-nnn-nnnn[-xxxx])
Attorney Fax:
(nnn-nnn-nnnn[-xxxx])
CBO Caller Info
CBO Last Name:
CBO First Name:
CBO Name:

Outcome:

- SRMT response to the representative is generated with only the name of the representative and their address is NOT included:



Resolution:

- To ensure that the representative's address will be visible:
  1. Begin by creating an SRMT using the applicant/petitioner's zip code.
  2. Make sure to select the appropriate party from the pull-down menu:

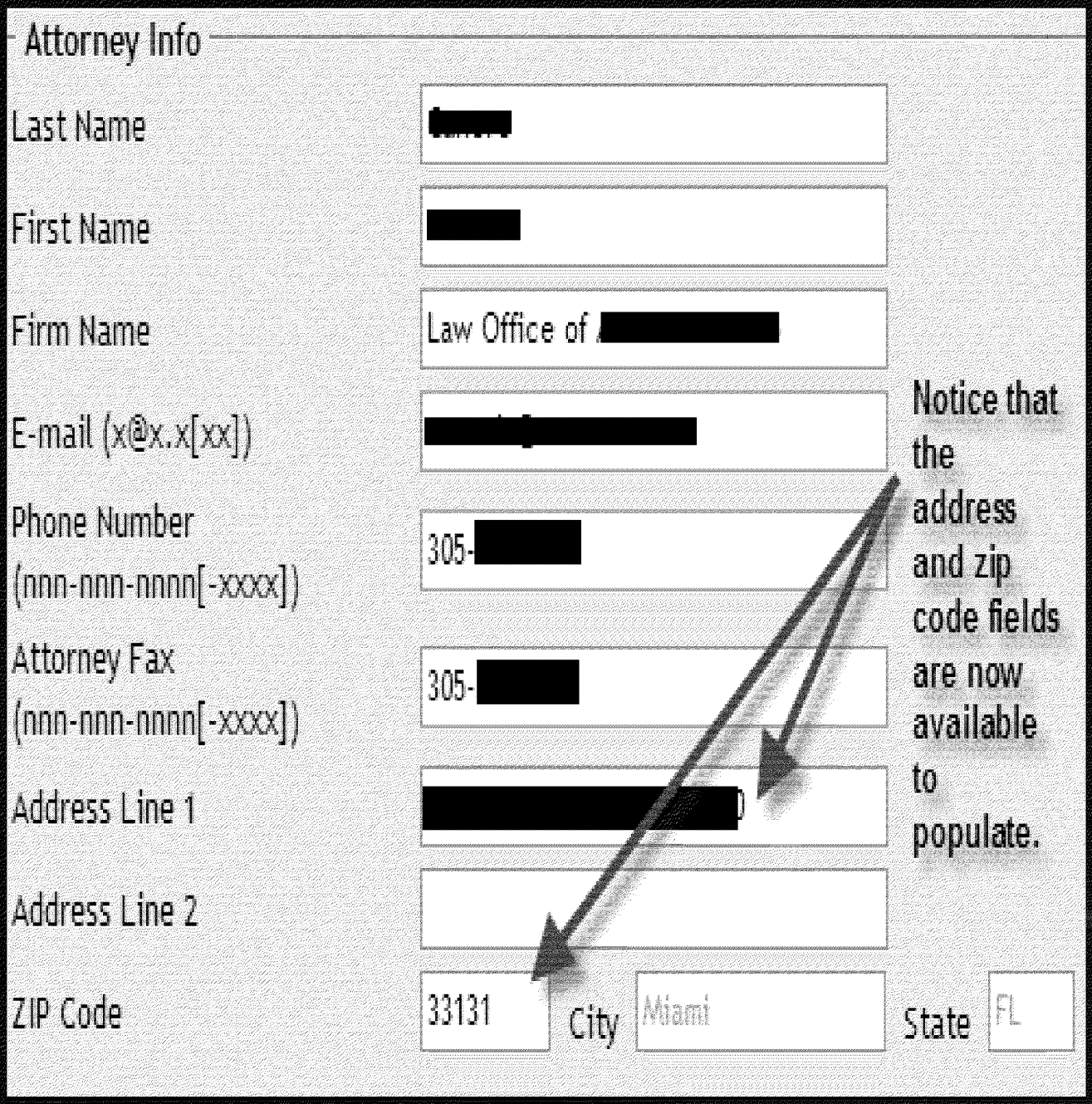
Resolution – Cont'd

3. Complete the SRMT by populating all known fields.
4. Provide the caller with the confirmation number.
5. Next:
    a) Copy the receipt number OR
    b) Copy the referral number.

Resolution – Cont'd

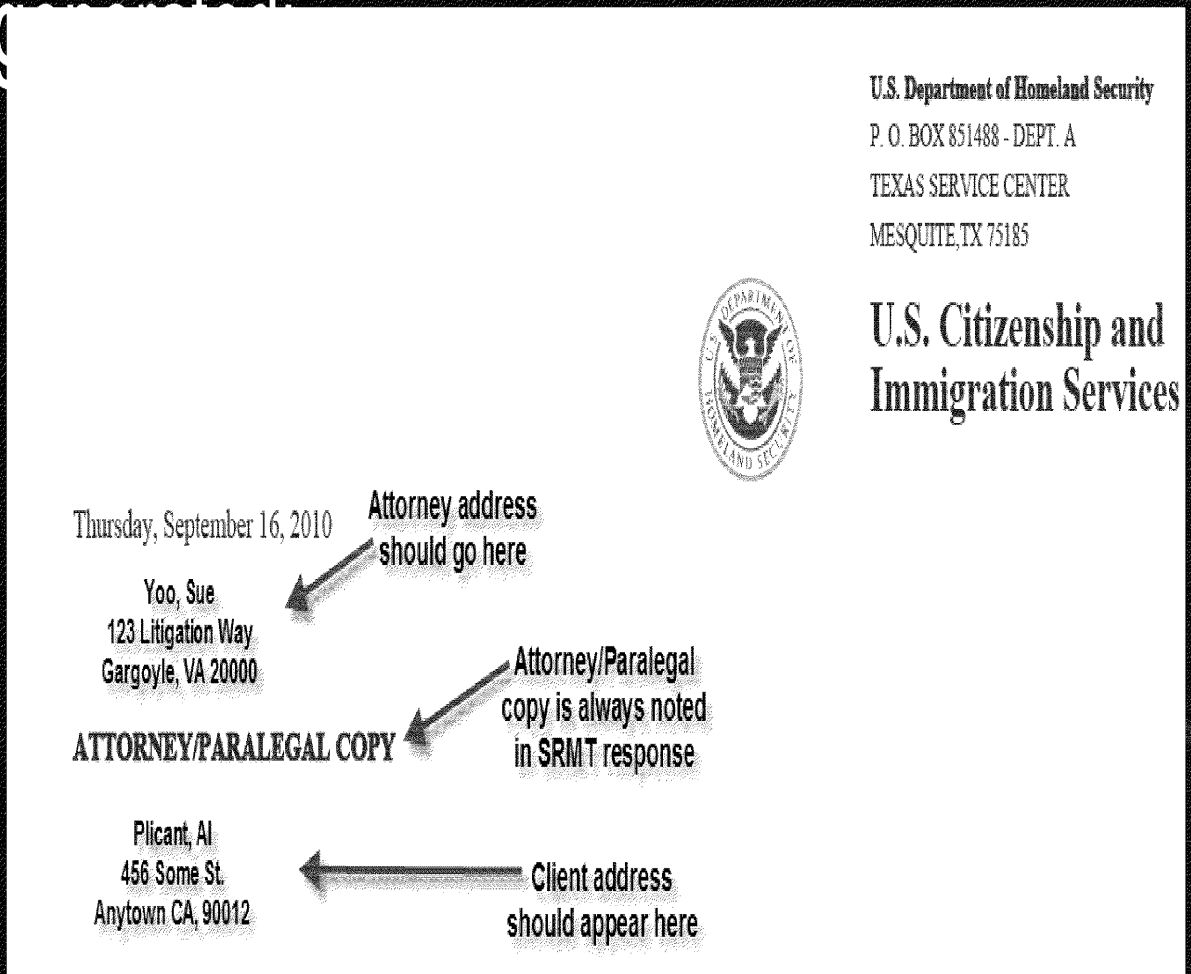
6. Do a "search" within SRMT using the receipt or referral number.
7. Select the referral/s you completed.
8. Scroll down to view the attorney/paralegal/CBO fields.
9. Input the attorney address.
10. Select "Submit" at the bottom of the page.
11. You have successfully added the attorney address.

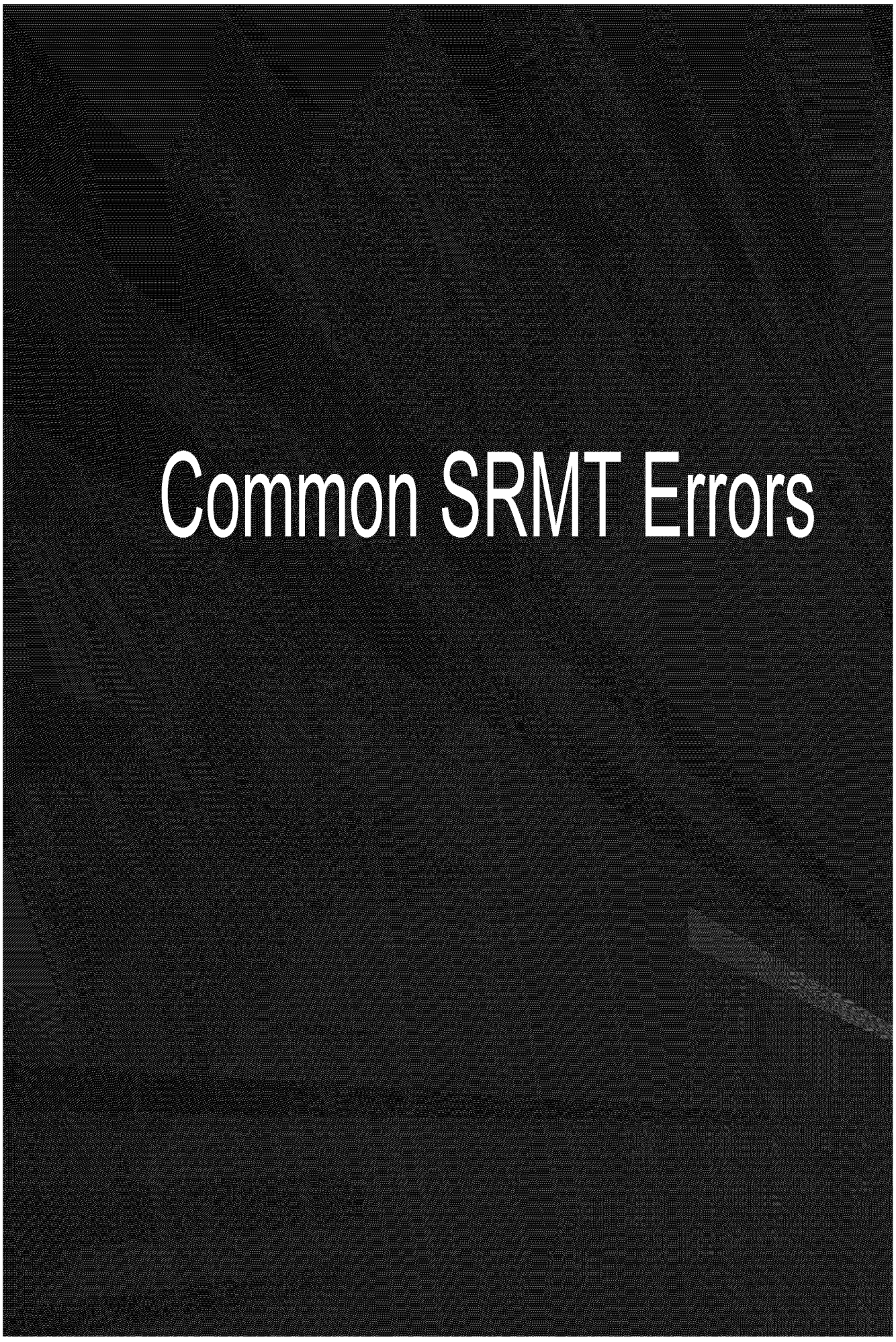
Resolution – Cont'd



Results:

- Representative address is automatically input into SRMT response when it is g

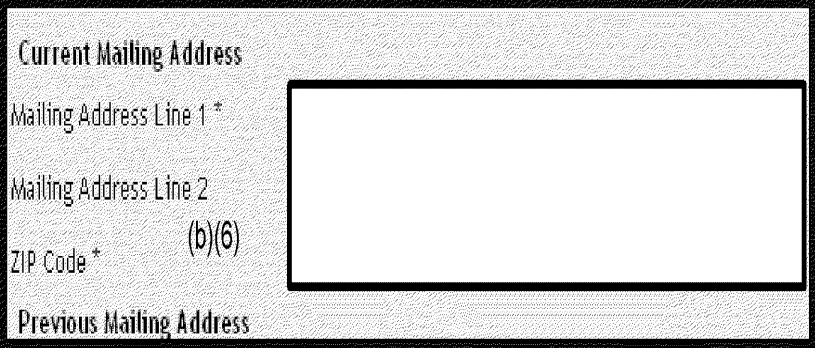



Common SRMT Errors

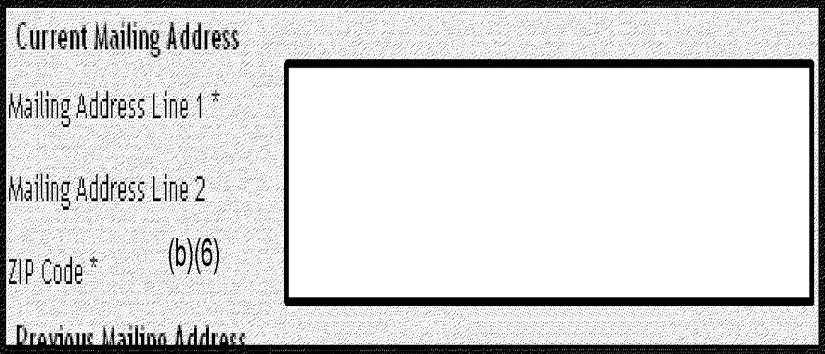
Issue #1: Typo Errors

Example:

- Incorrect Zip Code:



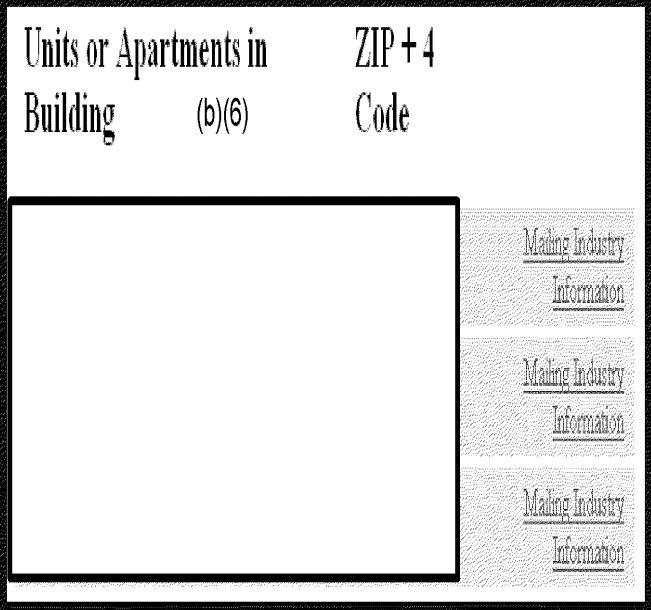
- Correct zip code:



Outcome/Solutions:

- Issue:
  - Address is incorrectly updated.
  - Another service request must be completed to correct address

- Solution:
  - Ask customer to file COA online
  - Confirm address again (especially true if they sound uncertain)
  - Checking http://www.usps.com website:



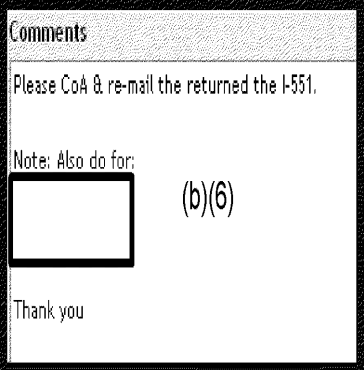
Issue #1: Typo Errors – cont'd

- Additional examples of typo errors include:
  - Beneficiary name in the applicant/petitioner field.
  - Wrong SRMT type (Ex. Non-delivery of card when case has not been approved)
  - Wrong email address.

Issue #2: Bundled Requests

Example:

- Incorrect:



- Correct:

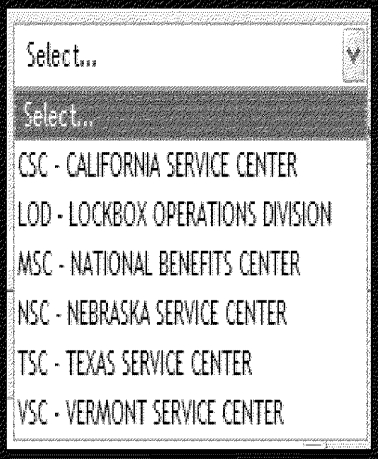
[redacted]	Primary (b)(6)	Non-Del Perm Res Card	OS155A	07/29/2009		08/28/2009
	Primary	CoA	OS155A	07/29/2009	07/29/2009	08/03/2009

Outcome/Solutions:

- Issue:
  - Address is updated but action not taken.
  - Attempt to re-mail may be sent to the old address again because a COA was not made.
  - Action not taken on second
- Solution:
  - Separate COA and request for re-mail ensures both actions will be completed in sequence

Issue #3: Incorrect Routing

- Officer does not verify file location in NFTS/CIS/CLAIMS (3/4)
- Routing location for referral is locked.



Outcome/Solutions

- Issue:
  - Referral is delayed due to incorrect routing
  - Wrong office answers referral
  - Wrong office unable to answer referral

- Solution:
  - Check file systems to verify location.
  - If you are unable to correctly route the SRMT because the location is locked, consider creating an SRMT under the “Other” option.
  - If you cannot create an SRMT under “Other” option, include comments in your referral requesting proper routing.

Effects/Impacts of Incorrect SRMT Creation:

- Customer must wait again
- Customer may be upset
- Perception of USCIS employees as knowledgeable/capable is diminished
- Increased workload due to resubmissions

THE END

QUESTIONS?

SERVICE REQUEST TYPE:	TARGET DAYS TO RESPOND:
Accommodation – Hearing Impairment: Request by any person for an appointment accommodation because of hearing impairment.	7 Days
Accommodation – Physical Impairment: Request by any person for an appointment accommodation due to a physical impairment.	7 Days
Accommodation – Sight Impairment: Request by any person for an appointment accommodation due to sight impairment.	7 Days
Accommodation – Speech Impairment: Request by any person for an appointment accommodation due to speech impairment.	7 Days
Approaching Regulatory Time Frame: Request on behalf of an applicant on the 75th day from the date of filing for an EAD application.	15 Days
Beyond Regulatory Time Frame: Request on behalf of an applicant on the 90th day from the date of filing for an EAD application.	5 Days
CoA: Change of address request.	5 Days
Denial Information: Request by applicant/petitioner for information regarding a denial.	10 Days
Expedite - Request for accelerated processing based on: a. Severe financial loss to company/individual. b. Extreme emergent situation. c. Humanitarian situation. d. Nonprofit status of requesting organization in furtherance of cultural/social interests of the US. e. Dept. of Defense or National Interest Situation (Request must come from official US entity and state that delay will be detrimental to US government. f. USCIS error g. Compelling interest of USCIS	5 Days
Expedite I-485 - EOIR/Santillan (after infopass appointment and capture of biometrics) – Request to notify the Local Office that an applicant has not received his/her LPR card after all required EOIR post order steps were conducted.	5 Days – Only Available in Training Environment
File Separation: Request where USCIS approves adjustment application for principal applicant, but the derivative family members' (spouse or minor children) Form I-485 applications remain pending more than 30 days after approval.	15 Days
I-129 Change Information: Request whereby the petitioning company indicates a change to pending cases of I-129 is necessary.	15 Days
Interview Reschedule: Request to reschedule an interview appointment.	15 Days
Lockbox Non-Del Receipt Notice: Currently not in use. Customer should send an email to lockboxsupport@dhs.gov	10 Days – Currently not in Use
Non-delivery of Advance Parole: Request on an approved case to mail the document which has not been issued or for re-delivery of a document returned by the post office.	15 Days
Non-delivery of Approval Notice: Request to mail/re-mail the Approval Notice.	15 Days
Non-delivery of Denial Notice: Request to mail/re-mail the Denial Notice.	15 Days
Non-delivery of Employment Authorization: Request to mail a card which has not been issued or for re-delivery of a card returned by the post office.	15 Days

Non-delivery of Naturalization Certificate: Request to mail the certificate which has not been issued or for re-delivery of a certificate returned by the post office.	15 Days
Non-delivery of Other Notice: Request to have any other notice sent/resent. Example: Biometric Appointment Notices.	15 Days
Non-delivery of Permanent Resident Card: Request to mail a card which has not been issued or for re-delivery of a card returned by the post office.	15 Days
Non-delivery of RFE notice: Request for a duplicate Request for Evidence Notice.	15 Days
Non-delivery of Receipt Notice: Request for office to review why an applicant/petitioner/attorney/CBO has not received a receipt notice.	15 Days
Non-delivery of Re-entry Permit: Request to mail/re-mail the Re-entry Permit	15 Days
Non-delivery of Refugee Travel Document: Request to mail/re-mail the Refugee Travel Document	15 Days
Outside Normal Processing Times (ONPT): Request submitted when a case exceeds normal processing times posted.	15 Days
Receipt Delay CoA: CoA request when a receipt has not yet been issued.	No Longer in Use
Refund Requested - Other: Request by applicant/petitioner to have USCIS refund the fees paid for an application.	15 Days
Refund Request - Payments in Excess of Amount Due - Request by applicant/petitioner to have USCIS refund the fees paid for an application.	15 Days
Refund Request - Unnecessary Filing - Request by applicant/petitioner to have USCIS refund the fees paid for an application.	15 Days
Refund Request - Failure to Meet Premium Processing Times - Request by applicant/petitioner to have USCIS refund the fees paid for an application.	15 Days
Refund Request - Appeals/MTRs Based on Clear Agency Error - Request by applicant/petitioner to have USCIS refund the fees paid for an application.	15 Days
Rejection Reason Clarification: Currently not in use. Customer should email: lockboxsupport@dhs.gov	10 Days – Currently not in Use
Return of Original Document(s): Request to have USCIS return original documentation that was submitted with an application/petition. (Only for pending cases.)	15 Days
SSI Expedite: Request by an applicant to accelerate processing of an application because they will lose SSI benefits if they cannot receive a benefit within a specific time-frame.	5 Days
Typographical Error: Request to have USCIS review and correct as necessary, the biographical information of an application. (Pending Cases)	15 Days
Upgrade I-130: Request to notify USCIS of a change in the family-based preference category because a petitioner naturalized.	15 Days
Visa Type IR-3: Request the Buffalo Field Office to process the Citizenship Certificate for the adopted child of a US citizen.	15 Days
Administrative Error: This process enables customers to request an expedited review of their case and correction of the decision where data entry and/or an administrative error resulted in a denial of their petition or application based on the 4 specific administrative error categories	5 Days
821D Denial Administrative Error- Request an expedited review of case and correction of the decision where data entry and/or an administrative error resulted in a denial of the 821D application.	30 Days

INTERNAL USE ONLY

SERVICE REQUEST TYPE:	TARGET DAYS TO RESPOND:
Other: Request for internal use by USCIS offices to communicate customer inquiry with specific details to another office.	15 Days
Data Mismatch – COA: Request for internal use by USCIS offices to communicate customer inquiry with specific details to another office.	5 Days –Group E-Verify
Data Mismatch- DOB: Request for internal use by USCIS offices to communicate customer inquiry with specific details to another office.	5 Days –Group E-Verify
Data Mismatch- First Name: Request for internal use by USCIS offices to communicate customer inquiry with specific details to another office.	5 Days –Group E-Verify
Data Mismatch- Last Name: Request for internal use by USCIS offices to communicate customer inquiry with specific details to another office.	5 Days –Group E-Verify
Fingerprints/Biometrics: Request for internal use by USCIS offices to communicate customer inquiry with specific details to another office.	15 Days
Other Tier I: Request for internal use by USCIS offices to communicate customer inquiry with specific details to another office.	15 Days – Created at NCSC for Customer Call Backs
Filing Questions: Request for internal use by USCIS offices to communicate customer inquiry with specific details to another office.	15 Days – Created at NCSC for Customer Call Backs
No Automated Information: Request for internal use by USCIS offices to communicate customer inquiry with specific details to another office.	15 Days – Created at NCSC for Customer Call Backs
DACA Interview SRMT: Request for internal use by USCIS offices to communicate customer inquiry with specific details to another office.	15 Days
ELIS Other: Request for internal use by USCIS offices to communicate customer inquiry with specific details to another office.	15 Days – Created at NCSC for Customer Call Backs
Outside Normal Processing Times/ELIS: Request for internal use by USCIS offices to communicate customer inquiry with specific details to another office.	15 Days – Created at NCSC for Customer Call Backs

Data as of 11/30/2015	Count of Service Requests					
SR Timely Completion Report	Completed in November 2015		Pending as of 11/30/2015			
Service Requests Not Relocated	Within Target	Outside Target	Within Target	Outside Target	Requiring Processing	% Timely Processed
TOTAL	82940	35560	24590	38890	157390	52.70
SR Timely Completion Report	Completed in Nov-15		Pending as of 11/30/2015			
Service Requests Not Relocated	Within Target	Outside Target	Within Target	Outside Target	Requiring Processing	% Timely Processed
TOTAL	82940	35560	24590	38890	157390	52.7
LOCAL OFFICE	7258	248	1795	62	7568	95.90
CENTRAL REGION	1590	124	487	30	1744	91.17
CHICAGO, IL DISTRICT	221	50	178	12	283	78.09
CHICAGO, IL	183	50	177	12	245	74.69
MILWAUKEE, WI	38	0	1	0	38	100.00
CLEVELAND, OH DISTRICT	135	0	22	0	135	100.00
CINCINNATI, OH	18	0	9	0	18	100.00
CLEVELAND, OH	19	0	4	0	19	100.00
COLUMBUS, OH	35	0	0	0	35	100.00
INDIANAPOLIS, IN	17	0	4	0	17	100.00
LOUISVILLE, KY	46	0	5	0	46	100.00
DALLAS, TX DISTRICT	358	45	95	4	407	87.96
DALLAS, TX	312	45	85	4	361	86.43
OKLAHOMA CITY, OK	46	0	10	0	46	100.00
DENVER, CO DISTRICT	132	11	41	2	145	91.03

BOISE, ID	3	0	2	0	3	100.00
DENVER, CO *	106	4	32	2	112	94.64
HELENA, MT	2	0	0	0	2	100.00
SALT LAKE CITY, UT	21	7	7	0	28	75.00
DETROIT, MI DISTRICT	171	3	32	0	174	98.28
DETROIT, MI	171	3	32	0	174	98.28
HOUSTON, TX DISTRICT	137	7	48	2	146	93.84
HOUSTON, TX	137	7	48	2	146	93.84
KANSAS CITY, MO DISTRICT	203	1	46	9	213	95.31
DES MOINES, IA	21	1	4	0	22	95.45
KANSAS CITY, MO	34	0	1	0	34	100.00
OMAHA, NE	24	0	5	9	33	72.73
ST LOUIS, MO	13	0	6	0	13	100.00
ST PAUL/MINNEAPOLIS, MN	108	0	27	0	108	100.00
WICHITA, KANSAS	3	0	3	0	3	100.00
SAN ANTONIO, TX DISTRICT	233	7	25	1	241	96.68
ALBUQUERQUE, NM	17	5	4	0	22	77.27
EL PASO, TX	44	0	16	1	45	97.78
HARLINGEN, TX	29	2	5	0	31	93.55
SAN ANTONIO, TX	143	0	0	0	143	100.00
NORTHEAST REGION	2604	31	712	10	2645	98.45
BALTIMORE, MD DISTRICT	297	2	94	0	299	99.33
BALTIMORE, MD	297	2	94	0	299	99.33
BOSTON, MA DISTRICT	235	4	70	0	239	98.33
BOSTON, MA	90	4	40	0	94	95.74
MANCHESTER, NH	18	0	0	0	18	100.00
PORTLAND, ME	8	0	2	0	8	100.00
PROVIDENCE, RI	20	0	1	0	20	100.00
LAWRENCE, MA	99	0	27	0	99	100.00
BUFFALO, NY DISTRICT	174	9	26	8	191	91.10
ALBANY, NY	4	9	15	8	21	19.05
BUFFALO, NY *	67	0	2	0	67	100.00
HARTFORD, CT	100	0	7	0	100	100.00
ST ALBANS, VT	3	0	2	0	3	100.00
NEW YORK, NY DISTRICT	1148	11	263	1	1160	98.97
NEW YORK, NY	747	3	193	1	751	99.47
LONG ISLAND, NY	213	8	43	0	221	96.38
QUEENS, NY	188	0	27	0	188	100.00

NEWARK, NJ DISTRICT	329	3	115	0	332	99.10
MT LAUREL, NJ	68	0	16	0	68	100.00
NEWARK, NJ	261	3	99	0	264	98.86
PHILADELPHIA, PA DISTRICT	202	1	50	1	204	99.02
CHARLESTON, WV					0	-
PHILADELPHIA, PA *	171	1	35	0	172	99.42
PITTSBURGH, PA	31	0	15	1	32	96.88
WASHINGTON, DC DISTRICT	219	1	94	0	220	99.55
NORFOLK, VA	36	0	13	0	36	100.00
WASHINGTON, DC	183	1	81	0	184	99.46
SOUTHEAST REGION	1697	57	281	14	1768	95.98
ATLANTA, GA DISTRICT	483	5	65	6	494	97.77
ATLANTA, GA	364	0	35	0	364	100.00
CHARLESTON, SC	22	0	16	6	28	78.57
CHARLOTTE, NC	39	1	8	0	40	97.50
GREER, SC	13	0	0	0	13	100.00
RALEIGH, NC	45	4	6	0	49	91.84
MIAMI, FL DISTRICT	674	35	119	2	711	94.80
CHARLOTTE AMALIE, VI	3	0	1	0	3	100.00
CHRISTIANSTED, ST CROIX	2	0	0	0	2	100.00
MIAMI, FL	192	26	41	0	218	88.07
HIALEAH, FL	112	0	21	0	112	100.00
OAKLAND PARK, FL	198	5	39	2	205	96.59
KENDALL, FL	135	0	17	0	135	100.00
SAN JUAN, PR	32	4	0	0	36	88.89
NEW ORLEANS, LA DISTRICT	102	8	79	6	116	87.93
FORT SMITH, AR	2	0	5	0	2	100.00
MEMPHIS, TN	77	4	46	0	81	95.06
JACKSON, MS					0	-
NEW ORLEANS, LA	23	4	28	6	33	69.70
TAMPA, FL DISTRICT	438	9	18	0	447	97.99
JACKSONVILLE, FL	59	1	8	0	60	98.33
ORLANDO, FL	191	8	3	0	199	95.98
TAMPA, FL	120	0	4	0	120	100.00
WEST PALM BEACH, FL	68	0	3	0	68	100.00
WESTERN REGION	1367	36	315	8	1411	96.88
HONOLULU, HI DISTRICT	36	1	6	2	39	92.31
AGANA, GU	3	1	1	0	4	75.00

HONOLULU, HI	33	0	5	2	35	94.29
LOS ANGELES, CA DISTRICT	471	14	152	5	490	96.12
LOS ANGELES, CA	150	10	72	4	164	91.46
SAN FERNANDO VALLEY, CA	82	0	23	0	82	100.00
SAN BERNARDINO, CA	83	4	44	1	88	94.32
SANTA ANA, CA	156	0	13	0	156	100.00
PHOENIX, AZ DISTRICT	145	8	28	0	153	94.77
LAS VEGAS, NV	28	1	2	0	29	96.55
PHOENIX, AZ	89	0	19	0	89	100.00
RENO, NV	8	6	4	0	14	57.14
TUCSON, AZ	20	1	3	0	21	95.24
SACRAMENTO, CA DISTRICT	153	7	60	0	160	95.63
FRESNO, CA	83	6	49	0	89	93.26
SACRAMENTO, CA	70	1	11	0	71	98.59
SAN DIEGO, CA DISTRICT	132	2	15	1	135	97.78
SAN DIEGO, CA	63	2	3	0	65	96.92
IMPERIAL, CA	3	0	2	1	4	75.00
CHULA VISTA, CA	66	0	10	0	66	100.00
SAN FRANCISCO, CA DISTRICT	231	3	17	0	234	98.72
SAN FRANCISCO, CA	129	1	8	0	130	99.23
SAN JOSE, CA	102	2	9	0	104	98.08
SEATTLE, WA DISTRICT	199	1	37	0	200	99.50
ANCHORAGE, AK	13	1	3	0	14	92.86
PORTLAND, OR	42	0	5	0	42	100.00
SEATTLE, WA	126	0	27	0	126	100.00
SPOKANE, WA	7	0	2	0	7	100.00
YAKIMA, WA	11	0	0	0	11	100.00
SERVICE CENTER	55183	25502	16863	36523	117208	47.08
CALIFORNIA SERVICE CENTER	13646	234	4456	1	13881	98.31
NEBRASKA SERVICE CENTER	14126	7	1892	0	14133	99.95
TEXAS SERVICE CENTER	14241	25171	7811	36499	75911	18.76
VERMONT SERVICE CENTER	13170	90	2704	23	13283	99.15
LOCKBOX OPERATIONS DIVISION	25	3	5	0	28	89.29
NATIONAL BENEFITS CENTER	19831	9500	5826	887	30218	65.63
OVERLAND PARK, KS	34	0	8	0	34	100.00
IMMIGRANT INVESTOR PROGRAM	308	37	21	15	360	85.56
POTOMAC SERVICE CENTER	9	3	2	5	17	52.94
TIER 1					0	-

LOCKHEED MARTIN					0	
T1 ALBUQUERQUE, NM					0	
T1 INDIANAPOLIS, IN					0	
HEWLETT-PACKARD					0	
T1 EL PASO, TX					0	
T1 LONDON, KY					0	
COMPUTER SCIENCES CORP					0	
T1 BARBOURSVILLE, KY					0	
T1 FORT WORTH, TX					0	
T1 CHANTILLY, VA					0	
T1 CORBIN, KY					0	
TIER 2	196	0	12	0	196	
EASTERN TELEPHONE CENTER					0	
WESTERN TELEPHONE CENTER					0	
NCSC	196	0	12	0	196	
ASYLUM	96	267	53	1329	1692	
ARLINGTON ASYLUM OFFICE	5	165	5	62	232	
CHICAGO ASYLUM OFFICE	5	12	4	7	24	
HOUSTON ASYLUM OFFICE	0	0	3	321	321	
LOS ANGELES ASYLUM OFFICE	0	0	20	768	768	
MIAMI ASYLUM OFFICE	40	12	4	4	56	
NEW YORK ASYLUM OFFICE	1	38	13	93	132	
NEWARK ASYLUM OFFICE	0	16	4	73	89	
SAN FRANCISCO ASYLUM OFC	45	24	0	1	70	
HQ	0	0	5	69	69	
HQ INTERNATIONAL AFFAIRS OFFICE					0	
HQ SRP MANAGEMENT TEAM	0	0	5	69	69	
CHANGE OF ADDRESS ONLINE					0	
OTHER					0	
E-REQUEST					0	

SR Completion Statistics:	Completed		Total for Month	% Timely Processed
All Service Requests (Incl. Relocations)	Within Target	Outside Target		
2011				
January			0	
February			0	
March			0	
April			0	
May			0	
June			0	
July			0	
August			0	
September			0	
October			0	
November			0	
December			0	
2012				
January	63595	13410	77005	75.31
February	73805	5668	79473	85.37
March	79080	3187	82267	89.20
April	71910	7325	79235	84.74
May	84758	2585	87343	91.03
June	79985	8456	88441	89.93
July	82921	1970	84891	97.19
August	83116	1954	85070	97.36
September	69358	1787	71145	96.86
October	83665	2169	85834	97.12
November	69869	3229	73098	94.56
December	68991	7885	76876	87.08
2013				
January	85689	11764	97453	87.25
February	71856	8906	80762	83.80
March	72548	9461	82009	75.45
April	74448	11214	85662	69.79
May	76890	12479	89369	62.69
June	77406	14315	91721	56.53
July	86333	17698	104031	55.20
August	78167	18284	96451	55.59

September	87488	18793	106281	54.82
October	85855	44755	130610	55.02
November	75353	22488	97841	64.31
December	73539	12743	86282	66.45
2014				
January	80295	27235	107530	63.85
February	73301	24007	97308	65.47
March	78762	28341	107103	67.89
April	86360	22895	109255	74.41
May	87632	16962	104594	76.57
June	90301	13481	103782	75.63
July	97475	26587	124062	70.86
August	89262	24544	113806	67.07
September	79792	36231	116023	59.42
October	92151	22329	114480	67.42
November	78192	22281	100473	61.86
December	104523	21118	125641	62.68
2015				
January	93166	49262	142428	51.95
February	69593	53947	123540	47.38
March	97381	38756	136137	56.05
April	100554	30873	131427	56.88
May	95970	23427	119397	55.95
June	109584	16102	125686	58.49
July	98978	26706	125684	50.01
August	96427	29743	126170	46.45
September	101614	54968	156582	45.51
October	88999	32911	121910	46.95
November	93168	44480	137648	51.42
December				

Volume 4.5.5	Information for School Representatives	Last Updated 11/19/15

OVERVIEW

If you are a Designated School Official or other School Representative, you should become familiar with several topics that pertain to foreign students. These topics include:

- How you can obtain authorization to accept a foreign student at your institution
- Your responsibilities, if you recommend or authorize employment for a foreign student who is attending your school
- Your responsibility to report a foreign student who fails to enroll or drops out of your institution
- How a foreign student can transfer from one school to another.

For information about these and other related topics, such as the "Student & Exchange Visitor Information System" or "SEVIS, you should visit the U.S. Immigration and Customs Enforcement (ICE) - Student and Exchange Visitor Program (SEVP) website at www.ice.gov/sevis. You can also call the Student and Exchange Visitor Program (SEVP) telephone number at 703-603-3400 or email your questions tosevp@ice.dhs.gov.

Another important topic for school officials involves visas. Previously, a person admitted to the United States as a B-1 or B-2 nonimmigrant could begin attending classes without first applying to USCIS and obtaining approval for a change of status to that of an F or M nonimmigrant student. Current regulations now expressly prohibit a nonimmigrant, in the B-1 or B-2 visa category, from enrolling in a course of study or attending school in the United States until such time as the individual has applied for and received an approved change to an appropriate, student visa category from USCIS.

What information are you seeking? (Please choose one below)

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Chapter 1 F Academic Students

OVERVIEW

The F nonimmigrant visa classification is reserved for foreign students pursuing a full course of study at U.S. Immigration and Customs Enforcement (ICE) - Student and Exchange Visitor Program (SEVP) approved colleges, universities, seminaries, conservatories, academic high schools, private elementary schools, other academic institutions, and in language training programs in the United States. An Overview of the Student and Exchange Visitor Information System (SEVIS) To become an approved educational institution, please visit the U.S. Immigration and Customs Enforcement (ICE) – Student and Exchange Visitor Program (SEVP) website at www.ice.gov/sevis/.

To obtain F-1 student status, a person must show that he or she:

- Has been accepted by a SEVP approved academic school in the United States;
- Has the financial resources to complete the planned course of study without working in the United States; and
- Plans to return abroad when he or she completes the program.

Husbands, wives, and unmarried children under the age of 21 of F-1 nonimmigrant students can be granted F-2 dependent status to accompany the F-1 student.

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Unit 1 F-1 Academic Students

General FAQs about F-1 Status

FAQs about the suspension of certain requirements for Syrian F-1 students

FAQs about the suspension of certain requirements for Haitian F-1 students

FAQs about the suspension of certain requirements for Nepali F-1 students

FAQs about the F-1/H-1B cap-gap

FAQs about the program for extending optional practical training (OPT) for STEM students

Back to: Academic Students School Services Main Menu

General FAQs about F-1 Status

What is an F-1 nonimmigrant visa?

How does a foreign student obtain an F-1 student visa or F-1 status?

How does a school get approval to admit foreign students?

How can a foreign student replace his or her Form I-20 or Form I-94?

What is the maximum period of stay for an F-1 student?

Can an F-1 student and his/her dependents travel outside of the United States and return to the same status?

Can an F-1 student and his/her dependents change from an F category to another nonimmigrant category?

Can an F-1 student obtain permanent resident status based on their F-1 status?

Can an F-1 student transfer schools?

How does an F-1 student transfer schools?

What is a "Full Course of Study"?

What is the purpose of Practical Training in the F-1 context?

What is Curricular Practical Training (CPT)?

What is Optional Practical Training (OPT)?

Do the periods of pre-completion OPT count against the available periods of post-completion OPT?

How does a foreign student obtain optional practical training (OPT)employment authorization?

When can an F-1 student apply for post-completion optional practical training (OPT)?

Can an F-1 student work legally in the United States?

What form must the F-1 student file to apply for work authorization, what is the filing fee, and where is the form filed?

Can you provide more specific information in reference to on-campus employment authorization?

Can you provide more specific information in reference to off-campus employment authorization?

What is "severe economic hardship"?

What is the procedure for off-campus employment due to severe economic hardship?

How does an F-1 student file an application of employment authorization based upon severe economic hardship?

Can an F-1 student get an Interim EAD?

Back to: Academic Students School Services Main Menu

What is an F-1 nonimmigrant visa?

An F-1 nonimmigrant visa allows a student to temporarily enter the United States to pursue a course of study at an approved academic institution or language program.

How does a foreign student obtain an F-1 student visa or F-1 status?

The process by which a foreign student may obtain an F-1 student visa or F-1 status depends on whether he/she is abroad or in the United States.

If the prospective student is abroad, then he/she should send a written application for admission to the approved school of his/her choice.

After receiving the application, the school must then:

- Review the foreign student's application for his/her academic admissibility, English-speaking ability, and financial capability.
- Admit the foreign student for a full course of study.
- The Principal/Designated School Official (P/DSO) creates an initial record in the Student and Exchange Visitor Information System (SEVIS), generates the SEVIS Form I-20 from this record, and prints and signs the Form I-20.

The student then:

- Receives the Form I-20 abroad.
- Submits a Form I-901.
- Receives the Form I-901 receipt.

Once this process has been completed, the foreign student must take the Form I-20 and the receipt notice for the Form I-901 to the nearest U.S. Consulate and apply for the appropriate student visa.

If the prospective student is in the United States in a valid nonimmigrant status, then he or she should send a written application for admission to the approved school of his or her choice.

After receiving the application, the school must then:

- Review the foreign student's application for his or her academic admissibility, English-speaking ability, and financial capability.
- Admit the foreign student for a full course of study.
- The Designated School Official (DSO) prepares the SEVIS record, prints and signs the Form I-20.

The student then:

- Submits a Form I-901.
- Receives the Form I-901 receipt.

Once this process has been completed, the foreign student must file the Form I-539, Application to Change/Extend Nonimmigrant Status, with the Form I-20 and the Form I-901 receipt notice with the USCIS Service Center that has jurisdiction over the matter.

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How does a school get approval to admit foreign students?

There is a formal application process, and a series of requirements that focus on the school's credentials and on the requirements for administering the program. The application for approval to admit foreign students is Form I-17. A school with questions regarding the requirements or application process should contact U.S. Immigration and Customs Enforcement (USICE), which manages this process. Please visit the U.S. Immigration and Customs Enforcement (ICE) – Student and Exchange Visitor Program (SEVP) website at www.ice.gov/sevis or call 703-603-3400 or email schoolcert.SEVIS@dhs.gov.

How can a foreign student replace his or her Form I-20 or Form I-94?

The school may issue a replacement Form I-20. If the student has misplaced his/her Form I-94, the student will need to file a Form I-102 with USCIS to replace the Form I-94. The Form I-102 is available on our website at www.uscis.gov. However, if the student entered the U.S. after the I-94 was automated (April 30, 2013), the I-94 record can be accessed at www.cbp.gov/I94.

What is the maximum period of stay for an F-1 student?

An F-1 student is admitted for the duration of status (D/S). The duration of status is defined as the time during which an F-1 student is pursuing a full course of study at an educational institution approved by ICE/SEVP for attendance by foreign students. An F-1 student's duration of status also includes any time required to engage in authorized practical training following the completion of his or her studies, plus 60 days to prepare for departure from the United States.

Can an F-1 student and his/her dependents travel outside of the United States and return to the same status?

Please visit the U.S. Immigration and Customs Enforcement (ICE) - Student and Exchange Visitor Program (SEVP) website at www.ice.gov/sevis.

Can an F-1 student and his/her dependents change from an F category to another nonimmigrant category?

Yes, so long as they meet the requirements for the new category and there are not restrictions on their eligibility to change status.

Can an F-1 student obtain permanent resident status based on their F-1 status?

No, there is currently no path to permanent residence status based on F-1 status.

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Can an F-1 student transfer schools?

Yes. A student who is maintaining status may transfer to another school approved by the service. However, an F-1 student is **not** permitted to remain in the United States when transferring between schools or programs **unless** the student will begin classes at the transfer school or program within 5 months of transferring out of the current school or within 5 months of the program completion date on his or her current Form I-20, **whichever is earlier**. In the case of an F-1 student authorized to engage in post-completion optional practical training (OPT), the student must be able resume classes within 5 months of transferring out of the school that recommended OPT or by the date that the OPT authorization ends, **whichever is earlier**.

Note to Representative:

Please note that an F-1 student who was **not pursuing a full course of study** at the school he or she was last authorized to attend is ineligible for school transfer and must apply for reinstatement or, in the alternative, may depart the country and return as an initial entry in a new F-1 nonimmigrant status.

How does an F-1 student transfer schools?

To transfer schools, an F-1 student must first notify the current school that he or she intends to transfer, and then obtain a Form I-20 A-B from the school to which he or she intends to transfer. The transfer will be in effect only if the F-1 student completes the Student Certification portion of the Form I-20 A-B and returns the form to a designated school official on campus within 15 days of beginning attendance at the new school.

Note to Representative:

For more information about the DSO's role and responsibilities regarding an F-1 student's transfer of schools, please visit the U.S. Immigration and Customs Enforcement (ICE) – Student and Exchange Visitor Program (SEVP) website at www.ice.gov/sevis or call 703-603-3400.

What is a "Full Course of Study"?

In general, successful completion of the full course of study must lead to the attainment of a specific educational or professional objective as described below:

- Postgraduate study or postdoctoral study at a college or university, or undergraduate or postgraduate study at a conservatory or religious seminary, certified by a DSO as a full course of study.
- Undergraduate study at a college or university, certified by a school official to consist of at least twelve semester or quarter hours of instruction per academic term in those institutions, using standard semester, trimester, or quarter-hour systems, where all undergraduate students who are enrolled for a minimum of twelve semester or quarter hours are charged full-time tuition or are considered full-time for other administrative purposes, or its equivalent (as determined by the district director in the school approval process), except when the student needs a lesser course load to complete the course of study during the current term.

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What is the purpose of Practical Training in the F-1 context?

The purpose of practical training is to enable the F-1 student to apply the knowledge and skills gained from his or her educational programs. There are two types of practical training available:

- Curricular Practical Training (CPT)
- Optional Practical Training (OPT)

As a general rule, an F-1 student may engage in CPT and OPT only after he or she has been lawfully enrolled at a SEVP approved school for one full academic year. However, exceptions to the one full academic year requirement are provided for F-1 students enrolled in graduate studies that require immediate participation in CPT.

What is Curricular Practical Training (CPT)?

An F-1 student may be authorized to participate in Curricular Practical Training (CPT) that is an integral part of an established curriculum. CPT is defined to be an alternative work/study, internship, cooperative education, or any other type of required internship or practicum that is offered by sponsoring employers through cooperative agreements with the student's school. A request for authorization for CPT must be made to the DSO. A student may not begin CPT until she receives an updated Form I-20 containing the DSO's endorsement.

Please Note: F-1 students who have engaged in 12 months of full-time CPT are ineligible for post-completion Optional Practical Training (OPT).

What is Optional Practical Training (OPT)?

In general, a student may apply to USCIS for authorization for temporary employment for optional practical training directly related to the student's major area of study. The student may not begin OPT until the date indicated on his or her employment authorization document, Form I-766 or Form 688B. Except for the STEM OPT and cap-gap extensions, an F-1 student are authorized to receive up to a total of 12 months of OPT either pre- and/or post-completion of studies.

- Pre-completion OPT: A student may be authorized to participate in pre-completion OPT after he/she has been enrolled for one full academic year. Students authorized to participate in pre-completion OPT must only work part-time while school is in session. They may work full-time when school is not in session.
- Post-completion OPT: A student may be authorized to participate in post-completion OPT after he/she has been enrolled for one full academic year and completed his or her course of studies. Students authorized to participate in post-completion OPT may work part- or full-time.

Do the periods of pre-completion OPT count against the available periods of post-completion OPT?

Yes. All periods of pre-completion OPT are deducted from the available periods of post-completion OPT on a ratio of 2 to 1 (for example, 2 months of pre-completion OPT equals 1 month of post-completion OPT).

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How does a foreign student obtain optional practical training (OPT)employment authorization?

A student initiates the process by requesting an OPT recommendation from his or her DSO. If the DSO agrees to recommend OPT, the DSO will update the student's SEVIS record, and provide the student a new Form I-20, showing the DSO's recommendation. The student then files Form I-765, Application for Employment Authorization, together with the new Form I-20. While the student may file Form I-765 up to 90 days prior to completing one full academic year, the student may not begin OPT employment until her or she has completed one full academic year. A student may also not begin OPT employment until he or she has received his or her employment authorization document (EAD) from USCIS.

When can an F-1 student apply for post-completion optional practical training (OPT)?

F-1 students may apply up to 90 days before, and 60 days after, their program end date in SEVIS.

Can an F-1 student work legally in the United States?

Yes, under certain circumstances an F-1 student can work legally in the United States. The two basic types of authorized employment for F-1 students are: on-campus and off-campus employment. The DSO may authorize on-campus employment at any time. An alien who has been in F-1 status for one full academic year who has received a favorable recommendation from the DSO may apply for off-campus employment with USCIS based on severe economic hardship.

What form must the F-1 student file to apply for work authorization, what is the filing fee, and where is the form filed?

If applying for off-campus employment authorization, the student must file the Form I-765, Application for Employment Authorization. Please visit our website at **uscis.gov** to download a copy of the current Form I-765 or to obtain the current filing fee for the Form I-765. The Form I-765 is filed at the regional service center having jurisdiction over the student's place of residence.

Can you provide more specific information in reference to on-campus employment authorization?

On-campus employment must either be performed on the school's premises, (including on-location commercial firms which provide services for students on campus, such as the school bookstore or cafeteria), or at an off-campus location which is educationally affiliated with the school. Employment with on-site commercial firms, such as a construction company building a school building, which do not provide direct student services, is not deemed on-campus employment. In the case of off-campus locations, the educational affiliation must be associated with the school's established curriculum or related to contractually funded research projects at the post-graduate level, and the employment must be an integral part of the student's educational program. Employment must not exceed 20 hours a week while school is in session (barring special circumstances). An F-1 student may, however, work on campus full-time when school is not in session or during the annual vacation.

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Can you provide more specific information in reference to off-campus employment authorization?

An F-1 student encountering severe economic hardship caused by unforeseen circumstances beyond the student's control may be authorized to work off-campus on a part-time basis after having been in F-1 status for one full academic year, provided that the student is in good academic standing as determined by the DSO. Part-time off-campus employment is limited to no more than twenty hours a week when school is in session. A student who is granted off-campus employment authorization may work full-time during holidays or school vacation. The employment authorization is automatically terminated whenever the student fails to maintain status.

For more information, please visit the U.S. Immigration and Customs Enforcement (ICE) – Student and Exchange Visitor Program (SEVP) website at www.ice.gov/sevis or call 703-603-3400.

What is "severe economic hardship"?

If other employment opportunities are not available or are otherwise insufficient, an eligible F-1 student may request off-campus employment work authorization based upon severe economic hardship caused by unforeseen circumstances beyond the student's control. These circumstances may include loss of financial aid or on-campus employment without fault on the part of the student, substantial fluctuations in the value of currency or exchange rate, inordinate increases in tuition and/or living costs, unexpected changes in the financial condition of the student's source of support, medical bills, or other substantial and unexpected expenses.

What is the procedure for off-campus employment due to severe economic hardship?

To qualify:

- The student must have been in F-1 status for one full academic year;
- The student must be good academic standing, and be carrying a full course of study;
- The student's acceptance of employment will not interfere with the student's carrying a full course of study; and
- The student must demonstrate that the employment is necessary to avoid severe economic hardship due to unforeseen circumstances beyond the student's control, and that on-campus employment is unavailable or otherwise insufficient to meet the student's needs.

A student initiates the process by requesting a severe economic hardship recommendation from his or her DSO. If the DSO agrees to recommend severe economic hardship employment authorization, the DSO will update the student's SEVIS record, and provide the student a new Form I-20, showing the DSO's recommendation. The student then files Form I-765, Application for Employment Authorization, together with the new Form I-20. A student may also not begin severe economic hardship employment until he or she has received his or her employment authorization document (EAD) from USCIS. Such employment authorization may be granted in one-year intervals up to the expected date of completion of the student's current course of study. The employment authorization may only be renewed if the student is maintaining status and is in good academic standing. The employment authorization is automatically terminated whenever the student fails to maintain status.

For more information regarding DSO responsibilities, please visit please visit the U.S. Immigration and Customs Enforcement (ICE) – Student and Exchange Visitor Program (SEVP) website at www.ice.gov or call 703-603-3400.

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How does an F-1 student file an application of employment authorization based upon severe economic hardship?

The student files form I-765, Application for Employment Authorization, with fee requesting employment due to unexpected economic hardship beyond the student's control. The student also needs to submit Form I-20 with the employment page demonstrating the DSO's recommendation and certification that on campus employment is unavailable or insufficient to meet the student's needs. The student should also submit a letter explaining the hardship, evidence that supports the student's hardship, and any other supporting materials such as affidavits which further detail the unforeseen circumstances that require the student to seek employment authorization.

Can an F-1 student get an Interim EAD?

If USCIS does not complete its adjudication of an F-1 student's Form I-765within 90 days, the F-1 student may request an Interim EAD.

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FAQs about the suspension of certain requirements for Syrian F-1 students

What does the Federal Register notice do for F-1 students from Syria?

Who is covered by this notice?

What is the minimum course load requirement set forth in this notice?

Will Syrian F-1 students who are granted on-campus employment authorization under this notice be authorized to work more than 20 hours per week while school is in session?

What requirements does this notice temporarily suspend relating to off-campus employment?

How may Syrian F-1 students obtain employment authorization for off-campus employment with a reduced course load under this notice?

May Syrian F-1 students who already have on-campus or off-campus employment authorization benefit from this notice?

Does an F-1 Syrian student need to apply for reinstatement after expiration of this special employment authorization if the student reduced his or her course load and is not taking a full-time course of study?

Will F-2 dependents (spouse or minor children) of Syrian F-1 students covered by this notice be eligible to apply for employment authorization?

Does this notice apply to a Syrian F-1 student who departs the U.S. after the notice becomes effective and who needs to obtain a new F-1 visa before he or she may return to the U.S. to continue his or her educational program?

How long will this notice remain in effect?

Can a Syrian F-1 student apply for TPS and for benefits under this notice at the same time?

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What does the Federal Register notice do for F-1 students from Syria?

The Federal Register Notice at 77 FR 20038, April 3, 2012, temporarily suspends certain requirements for F-1 students from Syria who are experiencing severe economic hardship as a result of the ongoing civil unrest in Syria since March 2011. The notice provides relief to these students by allowing them to obtain employment authorization, work an increased number of hours, and reduce their course load while maintaining their F-1 student status. The Federal Register Notice previously extended this temporary suspension of certain requirements for F-1 students from Syria until March 31, 2015 and again extended the temporary suspension until September 30, 2016.

Who is covered by this notice?

This notice applies exclusively to F-1 students whose country of citizenship is Syria and who were lawfully present in the United States in F-1 nonimmigrant status on April 3, 2012 and:

- are enrolled in an institution that is Student and Exchange Visitor Program (SEVP) certified for enrollment for F-1 students;
- are currently maintaining F-1 status; and
- are experiencing severe economic hardship as a direct result of the civil unrest in Syria since March 2011.

This notice applies to both undergraduate and graduate students, as well as elementary school, middle school, and high school students. F-1 students covered by this notice who transfer to other academic institutions that are SEVP-certified for enrollment of F-1 students remain eligible for the relief provided by means of this notice.

What is the minimum course load requirement set forth in this notice?

Undergraduate students who are granted on-campus or off-campus employment authorization under this notice must remain registered for a minimum of six semester/quarter hours of instruction per academic term.

Graduate-level F-1 students who are granted on-campus or off-campus employment authorization under this notice must remain registered for a minimum of three semester/quarter hours of instruction per academic term.

Elementary school, middle school, and high school students must maintain class attendance for not less than the minimum number of hours a week prescribed by the school for normal progress toward graduation.

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Will Syrian F-1 students who are granted on-campus employment authorization under this notice be authorized to work more than 20 hours per week while school is in session?

Yes, such students will be authorized to work more than 20 hours per week while school is in session if his or her Designated School Official (DSO) has entered the following statement in the remarks field of the SEVIS student record, which will be reflected on the student's Form I-20:

- Approved for more than 20 hours per week of on-campus employment authorization and reduced course load under the Special Student Relief authorization from [DSO must insert the beginning date of employment] until [DSO must insert the student's program end date or September 30, 2016, whichever date comes first].

What requirements does this notice temporarily suspend relating to off-campus employment?

For F-1 students covered by this notice, the following requirements relating to off-campus employment are suspended through September 30, 2016:

- The requirement that a student must have been in F-1 status for one full academic year in order to be eligible for off-campus employment;
- The requirement that an F-1 student must demonstrate that acceptance of employment will not interfere with the student's carrying a full course of study; and,
- The requirement that limits a student's work authorization to no more than 20 hours per week of off-campus employment while school is in session.

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How may Syrian F-1 students obtain employment authorization for off-campus employment with a reduced course load under this notice?

F-1 students must file a Form I-765, Application for Employment Authorization, with USCIS if they wish to apply for off-campus employment authorization based on severe economic hardship resulting from the civil unrest in Syria since March 1, 2011.

If the student's Designated School Official (DSO) agrees that the student should receive such employment authorization, the DSO must write the following statement in the remarks field of the student's SEVIS record, which will then appear on the student's Form I-20:

- Recommended for off-campus employment authorization in excess of 20 hours per week and reduced course load under the Special Student Relief authorization from the date of the USCIS authorization noted on Form I-766 until [DSO must insert the program end date or September 30, 2016, whichever date comes first].

The student must then file the properly endorsed Form I-20 and Form I-765, according to the instructions for the Form I-765. The student may begin working off-campus only upon receipt of the EAD from USCIS.

In making a recommendation that a student be approved, the DSO certifies that:

- The student is in good academic standing as determined by the DSO;
- The student is a citizen of Syria and is experiencing severe economic hardship as a direct result of the civil unrest in Syria since March 1, 2011, as documented on the Form I-20;
- The student is carrying a full course load of study at the time of the request for employment authorization;
- The student will be registered for the duration of his or her authorized employment or a minimum of six semester or quarter hours of instruction per academic term if the student is at the undergraduate level, or for a minimum of three semester or quarter hours of instruction per academic term if the student is at the graduate level; and
- The off-campus employment is necessary to alleviate severe economic hardship to the student caused by the civil unrest in Syria since March 1, 2011.

The student should:

Ensure that the application package includes a completed Form I-765 and the required fee or a properly documented fee waiver request on Form I-912, Request for Fee Waiver, and a signed and dated copy of the student's Form I-20 with the appropriate DSO recommendation. Send the application in an envelope which is clearly marked on the front of the envelope, bottom right-hand side, with the phrase "SPECIAL STUDENT RELIEF." If USCIS approves the student's Form I-765, the student will receive a Form I-766 EAD as evidence of his or her employment authorization. The EAD will contain an expiration date that does not exceed the student's program end date.

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May Syrian F-1 students who already have on-campus or off-campus employment authorization benefit from this notice?

Yes, Syrian F-1 students who already have on-campus or off-campus employment authorization may benefit under this notice. Such Syrian F-1 students may benefit without having to apply for a new Form I-766, Employment Authorization Document (EAD). To benefit, the student's Designated School Official (DSO) must enter the following statement in the remarks field of the Student and Exchange Visitor Information System (SEVIS) student record, which will be reflected on the student's Form I-20:

- Approved for more than 20 hours per week of [DSO must insert "on-campus" or "off-campus" depending on the type of employment authorization the student already has] employment authorization and reduced course load under the Special Student Relief authorization from [DSO must insert the beginning date of employment] until [DSO must insert the student's program end date, September 30, 2016, or the current EAD expiration date (if the student is currently working off campus), whichever date comes first].

Does an F-1 Syrian student need to apply for reinstatement after expiration of this special employment authorization if the student reduced his or her course load and is not taking a full-time course of study?

No. F-1 students who are granted employment authorization under this notice will be deemed to be engaged in a "full course of study" for the duration of their employment authorization, provided that qualifying undergraduate level F-1 students remain registered for a minimum of six semester/quarter hours of instruction per academic term and qualifying graduate level F-1 students remain registered for a minimum of three semester/quarter hours of instruction per academic term. Such students will not be required to apply for reinstatement if they are otherwise maintaining F-1 status.

Will F-2 dependents (spouse or minor children) of Syrian F-1 students covered by this notice be eligible to apply for employment authorization?

No. An F-2 spouse or minor child of an F-1 student is not authorized to work in the United States. Therefore, he/she cannot be granted employment authorization while in F-2 status.

Does this notice apply to a Syrian F-1 student who departs the U.S. after the notice becomes effective and who needs to obtain a new F-1 visa before he or she may return to the U.S. to continue his or her educational program?

Yes, provided that the DSO has properly notated the student's SEVIS record, which will then appear on the student's Form I-20.

How long will this notice remain in effect?

This notice grants temporary relief and has been extended through September 30, 2016 to a specific group of F-1 students whose country of citizenship is Syria.

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Can a Syrian F-1 student apply for TPS and for benefits under this notice at the same time?

Yes. An F-1 student who has not yet applied for TPS or for student relief under this notice has two options.

Under the first option, the student may file the TPS application according to the instructions in the Federal Register Notice re-designating Syria for TPS. See 80 FR 30871, January 5, 2015. All TPS applicants must file a Form I-821, Application for TPS, and a Form I-765, regardless of whether they are seeking employment authorization under TPS. The fee for Form I-765 is only required if the applicant is seeking employment authorization under TPS. If the student files for TPS and requests employment authorization under TPS, once the student receives the TPS-related EAD, the student may go to his or her DSO and ask the DSO to make the required entry in SEVIS, issue an updated Form I-20, as described in this notice, and note that the student has been authorized to carry a reduced course load and is working pursuant to a TPS-related EAD. So long as the student maintains the minimum course load described in this notice, does not otherwise violate his or her nonimmigrant status and maintains his or her TPS, then the student maintains F-1 status and TPS concurrently.

Under the second option, the student may apply for an EAD under student relief. In this instance, Form I-765 must be filed with the location specified in the filing instructions. At the same time, the student may file a separate TPS application with the location specified in the TPS Federal Register Notice for Syria. Because the student has already applied for employment authorization under student relief, the Form I-765 submitted as part of the TPS application is submitted without the fee. Again, the student will be able to maintain F-1 status and TPS.

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FAQs about the suspension of certain requirements for Haitian F-1 students

What does the Federal Register notice do for F-1 students from Haiti?

Who is covered by this notice?

What is the minimum course load requirement set forth in this notice?

Will Haitian F-1 students who are granted on-campus employment authorization under this notice be authorized to work more than 20 hours per week while school is in session?

What requirements does this notice temporarily suspend relating to off-campus employment?

How may Haitian F-1 students obtain employment authorization for off-campus employment with a reduced course load under this notice?

May Haitian F-1 students who already have on-campus or off-campus employment authorization benefit from this notice?

Must the Haitian F-1 student apply for reinstatement after expiration of this special employment authorization if the student reduces his or her full course of study?

Will F-2 dependents (spouse or minor children) of Haitian F-1 students covered by this notice be eligible to apply for employment authorization?

Does this notice apply to a Haitian F-1 student who departs the U.S. after the notice becomes effective and who needs to obtain a new F-1 visa before he or she may return to the U.S. to continue his or her educational program?

How long will this notice remain in effect?

Can a Haitian F-1 student apply for TPS and for benefits under this notice at the same time?

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What does the Federal Register notice do for F-1 students from Haiti?

The Federal Register Notice at 75 FR 56120, September 15, 2010, temporarily suspends certain requirements for F-1 students from Haiti who are experiencing severe economic hardship as a direct result of the January 12, 2010 earthquake in Haiti. The notice provides relief to these students by allowing them to obtain employment authorization, work an increased number of hours, and reduce their course load while maintaining their F-1 student status. On August 25, 2015, the suspensions of the requirements were extended until July 22, 2017.

Who is covered by this notice?

This notice applies exclusively to F-1 students whose country of citizenship is Haiti and who were lawfully present in the United States in F-1 nonimmigrant status on January 12, 2010 and:

- are enrolled in an institution that is Student and Exchange Visitor Program (SEVP) certified for enrollment for F-1 students;
- are currently maintaining F-1 status; and
- are experiencing severe economic hardship as a direct result of the January 12, 2010 earthquake in Haiti.

This notice applies to both undergraduate and graduate students, as well as elementary school, middle school, and high school students. F-1 students covered by this notice who transfer to other academic institutions that are SEVP-certified for enrollment of F-1 students remain eligible for the relief provided by means of this notice.

What is the minimum course load requirement set forth in this notice?

Undergraduate students who are granted on-campus or off-campus employment authorization under this notice must remain registered for a minimum of six semester/quarter hours of instruction per academic term.

Graduate-level F-1 students who are granted on-campus or off-campus employment authorization under this notice must remain registered for a minimum of three semester/quarter hours of instruction per academic term.

Elementary school, middle school, and high school students must maintain class attendance for not less than the minimum number of hours a week prescribed by the school for normal progress toward graduation.

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Will Haitian F-1 students who are granted on-campus employment authorization under this notice be authorized to work more than 20 hours per week while school is in session?

Yes, such students will be authorized to work more than 20 hours per week while school is in session if his or her Designated School Official (DSO) has entered the following statement in the remarks field of the SEVIS student record, which will be reflected on the student's Form I-20:

- Approved for more than 20 hours per week of on-campus employment authorization and reduced course load under the Special Student Relief authorization from [DSO must insert the beginning date of employment] until [DSO must insert the student's program end date or July 22, 2017, whichever date comes first].

What requirements does this notice temporarily suspend relating to off-campus employment?

For F-1 students covered by this notice, the following requirements relating to off-campus employment are suspended until July 22, 2017:

- The requirement that a student must have been in F-1 status for one full academic year in order to be eligible for off-campus employment;
- The requirement that an F-1 student must demonstrate that acceptance of employment will not interfere with the student's carrying a full course of study; and,
- The requirement that limits a student's work authorization to no more than 20 hours per week of off-campus employment while school is in session.

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How may Haitian F-1 students obtain employment authorization for off-campus employment with a reduced course load under this notice?

F-1 students must file a Form I-765, Application for Employment Authorization, with USCIS if they wish to apply for off-campus employment authorization based on severe economic hardship resulting from the January 12, 2010 earthquake in Haiti.

If the student's Designated School Official (DSO) agrees that the student should receive such employment authorization, the DSO must write the following statement in the remarks field of the student's SEVIS record, which will then appear on the student's Form I-20:

- Recommended for off-campus employment authorization in excess of 20 hours per week and reduced course load under the Special Student Relief authorization from the date of the USCIS authorization noted on Form I-766 until [DSO must insert the program end date or July 22, 2017, whichever date comes first].

The student must then file the properly endorsed Form I-20 and Form I-765, according to the instructions for the Form I-765. The student may begin working off-campus only upon receipt of the EAD from USCIS.

In making a recommendation that a student be approved, the DSO certifies that:

- The student is in good academic standing as determined by the DSO;
- The student is a citizen of Haiti and is experiencing severe economic hardship as a direct result of the January 12, 2010 earthquake in Haiti, as documented on the Form I-20;
- The student is carrying a full course load of study at the time of the request for employment authorization;
- The student will be registered for the duration of his or her authorized employment or a minimum of six semester or quarter hours of instruction per academic term if the student is at the undergraduate level, or for a minimum of three semester or quarter hours of instruction per academic term if the student is at the graduate level; and
- The off-campus employment is necessary to alleviate severe economic hardship to the student caused by the January 12, 2010 earthquake in Haiti.

The student should:

Ensure that the application package includes a completed Form I-765 and the required fee or a properly documented fee waiver request on Form I-912, Request for Fee Waiver, and a signed and dated copy of the student's Form I-20 with the appropriate DSO recommendation. Send the application in an envelope which is clearly marked on the front of the envelope, bottom right-hand side, with the phrase "SPECIAL STUDENT RELIEF." If USCIS approves the student's Form I-765, the student will receive a Form I-766 EAD as evidence of his or her employment authorization. The EAD will contain an expiration date that does not exceed the earlier of the student's program end date or July 22, 2017.

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May Haitian F-1 students who already have on-campus or off-campus employment authorization benefit from this notice?

Yes, Haitian F-1 students who already have on-campus or off-campus employment authorization may benefit under this notice. Such Haitian F-1 students may benefit without having to apply for a new Form I-766, Employment Authorization Document (EAD). To benefit, the student's Designated School Official (DSO) must enter the following statement in the remarks field of the Student and Exchange Visitor Information System (SEVIS) student record, which will be reflected on the student's Form I-20:

- Approved for more than 20 hours per week of [DSO must insert "on-campus" or "off-campus" depending on the type of employment authorization the student already has] employment authorization and reduced course load under the Special Student Relief authorization from [DSO must insert the beginning date of employment] until [DSO must insert the student's program end date, July 22, 2017, or the current EAD expiration date (if the student is currently working off campus), whichever date comes first].

Must the Haitian F-1 student apply for reinstatement after expiration of this special employment authorization if the student reduces his or her full course of study?

No. F-1 students who are granted employment authorization under this notice will be deemed to be engaged in a "full course of study" for the duration of their employment authorization, provided that qualifying undergraduate level F-1 students remain registered for a minimum of six semester/quarter hours of instruction per academic term and qualifying graduate level F-1 students remain registered for a minimum of three semester/quarter hours of instruction per academic term. Such students will not be required to apply for reinstatement if they are otherwise maintaining F-1 status.

Will F-2 dependents (spouse or minor children) of Haitian F-1 students covered by this notice be eligible to apply for employment authorization?

No. An F-2 spouse or minor child of an F-1 student is not authorized to work in the United States. Therefore, he/she cannot be granted employment authorization while in F-2 status.

Does this notice apply to a Haitian F-1 student who departs the U.S. after the notice becomes effective and who needs to obtain a new F-1 visa before he or she may return to the U.S. to continue his or her educational program?

Yes, provided that the DSO has properly notated the student's SEVIS record, which will then appear on the student's Form I-20.

How long will this notice remain in effect?

This Federal Register notice has been extended a few times and is currently in effect until July 22, 2017. See the latest extension notice at 80 FR 51579, August 25, 2015.

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Can a Haitian F-1 student apply for TPS and for benefits under this notice at the same time?

Yes. An F-1 student who has not yet applied for TPS or for student relief under this notice has two options.

Under the first option, the student may file the TPS application according to the instructions in the Federal Register Notice designating Haiti for TPS. See 75 FR 3476. All TPS applicants must file a Form I-821, Application for TPS, and a Form I-765, regardless of whether they are seeking employment authorization under TPS. The fee for Form I-765 is only required if the applicant is seeking employment authorization under TPS. If the student files for TPS and requests employment authorization under TPS, once the student receives the TPS-related EAD, the student may go to his or her DSO and ask the DSO to make the required entry in SEVIS, issue an updated Form I-20, as described in this notice, and note that the student has been authorized to carry a reduced course load and is working pursuant to a TPS-related EAD. So long as the student maintains the minimum course load described in this notice, does not otherwise violate his or her nonimmigrant status and maintains his or her TPS, then the student maintains F-1 status and TPS concurrently.

Under the second option, the student may apply for an EAD under student relief. In this instance, Form I-765 must be filed with the location specified in the filing instructions. At the same time, the student may file a separate TPS application with the location specified in the TPS Federal Register Notice for Haiti. Because the student has already applied for employment authorization under student relief, the Form I-765 submitted as part of the TPS application is submitted without the fee. Again, the student will be able to maintain F-1 status and TPS.

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FAQs about the suspension of certain requirements for Nepali F-1 students

What does the Federal Register notice do for F-1 students from Nepal?

Who is covered by this notice?

What is the minimum course load requirement set forth in this notice?

Will Nepali F-1 students who are granted on-campus employment authorization under this notice be authorized to work more than 20 hours per week while school is in session?

What requirements does this notice temporarily suspend relating to off-campus employment?

How may Nepali F-1 students obtain employment authorization for off-campus employment with a reduced course load under this notice?

May Nepali F-1 students who already have on-campus or off-campus employment authorization benefit from this notice?

Must the Nepali F-1 student apply for reinstatement after expiration of this special employment authorization if the student reduces his or her full course of study?

Will F-2 dependents (spouse or minor children) of Nepali F-1 students covered by this notice be eligible to apply for employment authorization?

Does this notice apply to a Nepali F-1 student who departs the U.S. after the notice becomes effective and who needs to obtain a new F-1 visa before he or she may return to the U.S. to continue his or her educational program?

How long will this notice remain in effect?

Can a Nepali F-1 student apply for TPS and for benefits under this notice at the same time?

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What does the Federal Register notice do for F-1 students from Nepal?

The Federal Register Notice at 80 FR 69237, November 9, 2015, temporarily suspends certain requirements for F-1 students from Nepal who are experiencing severe economic hardship as a direct result of the April 25, 2015 earthquake in Nepal. The notice provides relief to these students by allowing them to obtain employment authorization, work an increased number of hours, and reduce their course load while maintaining their F-1 student status.

Who is covered by this notice?

This notice applies exclusively to F-1 students whose country of citizenship is Nepal and who were lawfully present in the United States in F-1 nonimmigrant status on April 25, 2015 and:

- are enrolled in an institution that is Student and Exchange Visitor Program (SEVP) certified for enrollment for F-1 students;
- are currently maintaining F-1 status; and
- are experiencing severe economic hardship as a direct result of the April 25, 2015 earthquake in Nepal.

This notice applies to undergraduate and graduate students, private kindergarten through grade 12 (K–12) students, and public and private high school students. F-1 students covered by this notice who transfer to other academic institutions that are SEVP-certified for enrollment of F-1 students remain eligible for the relief provided by means of this notice.

What is the minimum course load requirement set forth in this notice?

Undergraduate students who are granted on-campus or off-campus employment authorization under this notice must remain registered for a minimum of six credit hours of instruction per academic semester.

Graduate-level F-1 students who are granted on-campus or off-campus employment authorization under this notice must remain registered for a minimum of three credit hours of instruction per academic semester.

Elementary school, middle school, and high school F-1 students must maintain class attendance for not less than the minimum number of hours a week prescribed by the school for normal progress toward graduation.

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Will Nepali F-1 students who are granted on-campus employment authorization under this notice be authorized to work more than 20 hours per week while school is in session?

Yes, such students will be authorized to work more than 20 hours per week while school is in session if his or her Designated School Official (DSO) has entered the following statement in the remarks field of the SEVIS student record, which will be reflected on the student's Form I-20:

- Approved for more than 20 hours per week of on-campus employment authorization and reduced course load under the Special Student Relief authorization from [DSO must insert the beginning date of employment] until [DSO must insert the student's program end date or December 24, 2016, whichever date comes first].

What requirements does this notice temporarily suspend relating to off-campus employment?

For F-1 students covered by this notice, the following requirements relating to off-campus employment are suspended until December 24, 2016:

- The requirement that a student must have been in F-1 status for one full academic year in order to be eligible for off-campus employment;
- The requirement that an F-1 student must demonstrate that acceptance of employment will not interfere with the student's carrying a full course of study; and,
- The requirement that limits a student's work authorization to no more than 20 hours per week of off-campus employment while school is in session.

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How may Nepali F-1 students obtain employment authorization for off-campus employment with a reduced course load under this notice?

F-1 students must file a Form I-765, Application for Employment Authorization, with USCIS if they wish to apply for off-campus employment authorization based on severe economic hardship resulting from the April 25, 2015 earthquake in Nepal.

If the student's Designated School Official (DSO) agrees that the student should receive such employment authorization, the DSO must write the following statement in the remarks field of the student's SEVIS record, which will then appear on the student's Form I-20:

- Recommended for off-campus employment authorization in excess of 20 hours per week and reduced course load under the Special Student Relief authorization from the date of the USCIS authorization noted on Form I-766 until [DSO must insert the program end date or December 24, 2016, whichever date comes first].

The student must then file the properly endorsed Form I-20 and Form I-765, according to the instructions for the Form I-765. The student may begin working off-campus only upon receipt of the EAD from USCIS.

In making a recommendation that a student be approved, the DSO certifies that:

- The student is in good academic standing as determined by the DSO;
- The student is a citizen of Nepal and is experiencing severe economic hardship as a direct result of the April 25, 2015 earthquake in Nepal, as documented on the Form I-20;
- The student is carrying a full course load of study at the time of the request for employment authorization;
- The student will be registered for the duration of his or her authorized employment or a minimum of six credit hours of instruction per academic semester if the student is at the undergraduate level, or for a minimum of three credit hours of instruction per academic semester if the student is at the graduate level; and
- The off-campus employment is necessary to alleviate severe economic hardship to the student caused by the April 25, 2015 earthquake in Nepal.

The student should:

Ensure that the application package includes a completed Form I-765 and the required fee or a properly documented fee waiver request on Form I-912, Request for Fee Waiver, and a signed and dated copy of the student's Form I-20 with the appropriate DSO recommendation. Send the application in an envelope which is clearly marked on the front of the envelope, bottom right-hand side, with the phrase "SPECIAL STUDENT RELIEF." Failure to include this notation may result in significant processing delays. If USCIS approves the student's Form I-765, the student will receive a EAD as evidence of his or her employment authorization. The EAD will contain an expiration date that does not exceed the earlier of the student's program end date or December 24, 2016.

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May Nepali F-1 students who already have on-campus or off-campus employment authorization benefit from this notice?

Yes, Nepali F-1 students who already have on-campus or off-campus employment authorization may benefit under this notice. Such Nepali F-1 students may benefit without having to apply for a new Form I-766, Employment Authorization Document (EAD). To benefit, the student's Designated School Official (DSO) must enter the following statement in the remarks field of the Student and Exchange Visitor Information System (SEVIS) student record, which will be reflected on the student's Form I-20:

- Approved for more than 20 hours per week of [DSO must insert "on-campus" or "off-campus" depending on the type of employment authorization the student already has] employment authorization and reduced course load under the Special Student Relief authorization from [DSO must insert the beginning date of employment] until [DSO must insert the student's program end date, December 24, 2016, or the current EAD expiration date (if the student is currently working off campus), whichever date comes first].

Must the Nepali F-1 student apply for reinstatement after expiration of this special employment authorization if the student reduces his or her full course of study?

No. F-1 students who are granted employment authorization under this notice will be deemed to be engaged in a "full course of study" for the duration of their employment authorization, provided that qualifying undergraduate level F-1 students remain registered for a minimum of six credit hours of instruction per academic semester and qualifying graduate level F-1 students remain registered for a minimum of three credit hours of instruction per academic semester. Such students will not be required to apply for reinstatement if they are otherwise maintaining F-1 status.

Will F-2 dependents (spouse or minor children) of Nepali F-1 students covered by this notice be eligible to apply for employment authorization?

No. An F-2 spouse or minor child of an F-1 student is not authorized to work in the United States. Therefore, he/she cannot be granted employment authorization while in F-2 status.

Does this notice apply to a Nepali F-1 student who departs the U.S. after the notice becomes effective and who needs to obtain a new F-1 visa before he or she may return to the U.S. to continue his or her educational program?

Yes, provided that the DSO has properly notated the student's SEVIS record, which will then appear on the student's Form I-20.

How long will this notice remain in effect?

This Federal Register notice will remain in effect until December 24, 2016

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Can a Nepali F-1 student apply for TPS and for benefits under this notice at the same time?

Yes. An F-1 student who has not yet applied for TPS or for student relief under this notice has two options.

Under the first option, the student may file the TPS application according to the instructions in the Federal Register Notice designating Nepal for TPS. See 80 FR 36346. All TPS applicants must file a Form I-821, Application for TPS, and a Form I-765, regardless of whether they are seeking employment authorization under TPS. The fee (or a properly documented fee waiver request) for Form I-765 is only required if the applicant is seeking employment authorization under TPS. If the student files for TPS and requests employment authorization under TPS, once the student receives the TPS-related EAD, the student may go to his or her DSO and ask the DSO to:

1. Make the required entry in SEVIS,
2. Issue an updated Form I-20, as described in this notice, and
3. Note that the student has been authorized to carry a reduced course load and is working pursuant to a TPS-related EAD.

A student concurrently maintains F–1 status and TPS if he/she maintains the minimum course load , does not otherwise violate his/her F–1 status and maintains his/her TPS.

Under the second option, the student may apply for an EAD under student relief. In this instance, Form I-765 must be filed with the location specified in the filing instructions. At the same time, the student may file a separate TPS application with the location specified in the TPS Federal Register Notice for Nepal. Because the student has already applied for employment authorization under student relief, the Form I-765 submitted as part of the TPS application is submitted without the fee. The student should not check any of the boxes requesting a TPS-related EAD when filling-out Form I–821. Again, the student will be able to maintain F-1 status and TPS.

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FAQs about the F-1/H-1B cap-gap

What is the H-1B cap?

What is the F-1/H-1B "cap-gap" extension?

When can a student apply for post-completion OPT?

Since some selected H-1B petitions for students may have already been approved for consular processing, can the petitioner still request a change of status via e-mail?

What does "timely-filed" mean? Does this include a petition submitted to USCIS on April 1, but not yet selected under the random selection process for an H-1B number?

What if the post-completion OPT expired before April 1st? It appears that F-1 status would be extended, but would OPT also be extended?

Is an F-1 student who becomes eligible for an automatic extension of F-1 status and employment authorization, but whose H-1B petition is subsequently denied, still allowed the 60-day grace period?

May an F-1 student travel outside the U.S. during a cap-gap extension period and return in F-1 status?

If an F-1 student was not in an authorized period of OPT on the date the H-1B cap-subject petition was filed, can the student work during the cap-gap extension?

If an F-1 student's H-1B employer requests an employment start date later than October 1st but the student's OPT end date is still September 30, what can the student do to correct this?

May an F-1 student who is eligible for a cap-gap extension of status and employment authorization apply for a STEM OPT extension while he or she is in the cap-gap extension period?

What are the limits on periods of unemployment for students on post-completion OPT?

Do the limits on unemployment apply to students who have been granted an automatic cap-gap extension?

Is a student who splits OPT between two degrees at the same level limited to a total of 90 days of unemployment?

What counts as time unemployed for students on post-completion OPT?

How does travel outside the U.S. impact the period of unemployment for students on post-completion OPT?

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What is the H-1B cap?

The cap is the Congressionally-mandated annual limit on the number of individuals who may be granted H-1B status during each fiscal year. The current cap is 65,000, with certain exemptions.

What is the F-1/H-1B "cap-gap" extension?

A cap-gap extension is a regulatory provision which automatically extends an eligible F-1 student's status to bridge the gap between the end of F-1 status and the start of H-1B status, thereby allowing the student to remain in the U.S. during the "gap." The cap-gap extension is available to students who are either on approved post-completion OPT, or in their 60-day grace period, when the H-1B petition is filed on their behalf, and the H-1B petition requests a change of status (from F-1 to H-1B) with an effective date of October 1 of the following fiscal year.

When can a student apply for post-completion OPT?

F-1 students may apply up to 90 days before, and 60 days after, their program end date in SEVIS.

Since some selected H-1B petitions for students may have already been approved for consular processing, can the petitioner still request a change of status via e-mail?

Yes, the petitioner can still request, via e-mail, a change of status for randomly selected H-1B petitions in lieu of consular processing?

- Yes. The petitioner should send an e-mail to the USCIS service center that issued the approval, using the designated e-mail address. Such requests must include the H-1B receipt number, as well as the petitioner's and the beneficiary's name.
- If the H-1B petition and change of status application are pending, the change of status request should be submitted to the center within 30 days of the receipt notice. In addition to including the receipt number and the name of the petitioner and beneficiary, the request should also include the beneficiary's date of birth, I-94 (Arrival/Departure Record) number or a printed Form I-94 from the CBP webpage www.cbp.gov/I94, and Student and Exchange Visitor Information System (SEVIS) number.

These email addresses are as follows:
Vermont Service Center

Premium Processing cases: VSCPPCAPGAP.Vscppcapgap@dhs.gov
Non-Premium cases: VSCNONPPCAPGAP.Vscnonppcapgap@dhs.gov
California Service Center Premium Processing cases: CSC.ppcapgap@dhs.gov
Non-Premium cases: CSC.nonppcapgap@dhs.gov

What does "timely-filed" mean? Does this include a petition submitted to USCIS on April 1, but not yet selected under the random selection process for an H-1B number?

"Timely filed" means that the H-1B petition was filed during the H-1B acceptance period, and no later than the expiration date of the F-1 student's 60 day grace period.

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What if the post-completion OPT expired before April 1st? It appears that F-1 status would be extended, but would OPT also be extended?

An F-1 student who completed his or her post-completion OPT and who subsequently was in the 60-day departure grace period on April 1st, would benefit from an automatic extension of his or her F-1 status, if the H-1B petition was filed during the H-1B acceptance period, which began on April 1st. The employment authorization, however, would not be extended automatically, because it already expired and the cap gap does not serve to reinstate or retroactively grant employment authorization. For a student to have employment authorization during the cap-gap extension, he or she must be in an approved period of post-completion OPT when the H-1B cap-subject petition is filed on his or her behalf.

Is an F-1 student who becomes eligible for an automatic extension of F-1 status and employment authorization, but whose H-1B petition is subsequently denied, still allowed the 60-day grace period?

Yes, if USCIS denies, rejects, or revokes an H-1B petition filed on behalf of an F-1 student covered by the automatic cap-gap extension, the student will have the standard 60-day grace period (from notification of the denial, rejection, or revocation of the petition) before he or she is required to depart the United States.

For denied cases, it should be noted that the 60-day grace period does not apply to an F-1 student whose accompanying change of status request is denied due to discovery of a status violation. Such a student is ineligible for the automatic cap-gap extension. Similarly, the 60-day grace period would not apply. The student would be required to leave the U.S. immediately.

May an F-1 student travel outside the U.S. during a cap-gap extension period and return in F-1 status?

No. The regulations at 8 CFR 214.2(f)(13) state that a student who has an unexpired Employment Authorization Document (EAD) issued for post-completion OPT and who is otherwise admissible may return to the U.S. to resume employment after a temporary absence. However, by definition, the EAD of an F-1 student covered under a cap-gap extension is necessarily expired. Consequently, if a student granted a cap-gap extension elects to travel outside the U.S. during the cap-gap extension period, he or she will not be able to return in F-1 status. The student will need to apply for an H-1B visa at a consular post abroad prior to returning. As the H-1B petition is presumably for an October 1 start date, the student should be prepared to adjust his or her travel plans accordingly.

If an F-1 student was not in an authorized period of OPT on the date the H-1B cap-subject petition was filed, can the student work during the cap-gap extension?

No. In order for a student to have employment authorization during the cap-gap extension, the F-1 student must be in an approved period of post-completion OPT on the date the H-1B cap-subject petition is filed on his or her behalf.

If an F-1 student's H-1B employer requests an employment start date later than October 1st but the student's OPT end date is still September 30, what can the student do to correct this?

If the student's OPT end date is September 30th, the student will need to depart the country and apply for an H-1B visa at a consular post abroad prior to returning.

If the student's period of authorized post-completion OPT extends beyond October 1st, but the period of authorized OPT was incorrectly shortened in SEVIS to October 1st the student's DSO may request a data fix in SEVIS by contacting the SEVIS helpdesk. In this situation the student may continue to work past October 1st on their OPT (their EAD card will still show the original end date) if the request to correct the OPT end date is pending with the SEVIS Help Desk.

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May an F-1 student who is eligible for a cap-gap extension of status and employment authorization apply for a STEM OPT extension while he or she is in the cap-gap extension period?

Yes. However, such an application may not be made once the cap-gap extension period is terminated (for example, if the H-1B petition is denied), and the student enters the 60-day departure grace period.

What are the limits on periods of unemployment for students on post-completion OPT?

Students on post-completion OPT may have up to 90 days of unemployment.

Students who receive a 17-month STEM OPT extension are given an additional 30 days of unemployment for a total of 120 days over their entire post-completion OPT period.

Students who have OPT extended due to the cap-gap provisions continue to be subject to the 90/120-day limitation on unemployment.

Do the limits on unemployment apply to students who have been granted an automatic cap-gap extension?

Yes. The 90-day (120-day for STEM) limitation on unemployment during the initial post-completion OPT authorization continues during the cap-gap extension.

Is a student who splits OPT between two degrees at the same level limited to a total of 90 days of unemployment?

Please contact the SEVP response branch for information regarding this at 703.603.3400

What counts as time unemployed for students on post-completion OPT?

Each day of the authorized period of OPT employment that the F-1 student does not have qualifying employment counts as a day of unemployment.

How does travel outside the U.S. impact the period of unemployment for students on post-completion OPT?

If the student, whose approved period of OPT has started, travels outside of the U.S. while unemployed, the time spent outside the U.S. will count as unemployment against the 90/120 day limits.

If a student travels while employed (either during a period of leave authorized by an employer or as part of their employment), the time spent outside the U.S. will not count as unemployment, as long as the student is on a pre-authorized period of vacation or annual leave.

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FAQs about the program for extending optional practical training (OPT) for STEM students

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General FAQs

Can an F-1 foreign student extend his or her post-completion optional practical training (OPT)?

What are the eligible STEM degrees?

How does an F-1 student apply for a post-completion OPT STEM extension?

Are STEM students the only F-1 students eligible for the 17 month extension or 29 months of OPT?

Is a non-STEM graduate student eligible for the STEM OPT extension if his or her undergraduate degree was a STEM degree?

Can a student with a dual major qualify for the STEM OPT extension based on one of the degree programs?

Can a student qualify for the STEM OPT extension based on the student's minor?

What types of employment are allowed for students during an OPT STEM extension?

How do students show employment is directly related to their degree program?

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Can an F-1 foreign student extend his or her post-completion optional practical training (OPT)?

An F-1 student may apply for a 17-month extension of his or her post-completion OPT if:

- The student's bachelor's, master's, or doctorate degree was in a science, technology, engineering, or mathematics (STEM) field of study that is listed on the STEM-Designated Degree Program List; and
- The student's employer is registered with the USCIS E-Verify program.

What are the eligible STEM degrees?

The STEM-Designated Degree Program List can be viewed at the U.S. Immigration and Customs Enforcement (ICE) – Student and Exchange Visitor Program (SEVP) website at www.ice.gov/sevis

How does an F-1 student apply for a post-completion OPT STEM extension?

- A student may apply up to 120 days before his or her current post-completion OPT expires. The student may not apply once his or her 60-day grace period has started.
- The student must file Form I-765 with USCIS, including an updated Form I-20 containing the DSO's favorable recommendation, a copy of the student's officials STEM degree transcripts, evidence of the employer's registration with E-Verify, and the required application fee.
- If the student's post-completion OPT expires while the STEM extension application is pending, the student will receive an automatic extension of employment authorization after their current employment authorization expires, but for no more than 180 days.

Are STEM students the only F-1 students eligible for the 17 month extension or 29 months of OPT?

Yes. If the student is not majoring in a field of science, technology, engineering, or mathematics listed on the STEM-Designated Degree Program List, the student is ineligible for the 17-month extension of OPT.

Is a non-STEM graduate student eligible for the STEM OPT extension if his or her undergraduate degree was a STEM degree?

No. An F-1 student is eligible for the STEM OPT extension only if his or her current post-completion OPT is based on a STEM degree.

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Can a student with a dual major qualify for the STEM OPT extension based on one of the degree programs?

If a student has a dual major, and one of the degrees is a STEM degree, and the student's post-completion OPT employment is directly related to the student's STEM degree, the student would be eligible to apply for the STEM OPT extension.

Can a student qualify for the STEM OPT extension based on the student's minor?

No.

What types of employment are allowed for students during an OPT STEM extension?

For more information, please contact the SEVP Response Branch at (703) 603-3400

How do students show employment is directly related to their degree program?

For more information, please contact the SEVP Response Branch at (703) 603-3400

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Reporting Requirements

What are the reporting requirements for a student pertaining to the STEM OPT extension?

What are the reporting requirements for an employer?

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What are the reporting requirements for a student pertaining to the STEM OPT extension?

Students engaged in STEM OPT extension employment must report to their DSO, within 10 days, any loss of employment or any of the following changes:

- The student's legal name
- The student's residential or mailing address
- The student's e-mail address
- The employer's name and/or address

Additionally, a student must send a validation report to the DSO every six months starting from the date the STEM OPT extension starts and ending when the student's F-1 status ends or the STEM OPT extension ends, whichever is first. The validation report must include the student's:

- Full legal name
- SEVIS ID number (if requested by the school)
- Current mailing and residential addresses
- Name and address of the current employer
- Employment start date for the current employer

Students should consult with their DSO as to the preferred method of reporting changes. SEVP recommends using e-mail to report changes because email provides both evidence of reporting and the date reported. Some schools may provide other electronic means (such as a web-page) to accept reports. Students should keep a record of all reports made to the DSO.

What are the reporting requirements for an employer?

The school may provide the student with instructions (to be given to the employer) on how to report the end of the student's employment. If the school does not provide such instructions, the employer may send the report to the school address listed on the student's Form I-20. The employer should provide the student's name, SEVIS ID number, and the date the employment ended. The report should be sent within 48 hours of the student's termination.

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E-Verify

What is the E-Verify program?

Are all employees verified through the system?

If the student's current employer is not registered with E-Verify and does not wish to register, how does the student find an employer that is registered with E-Verify?

How does the student's employer register with E-Verify?

Are all employers required to participate in E-Verify?

If an F-1 student currently works for two employers and wishes to apply for the STEM OPT extension, would both employers have to be enrolled in E-Verify?

What if the employer is enrolled in E-Verify at some locations, but the hiring site where the student will work is not enrolled?

What E-Verify information is required for an F-1 STEM student to extend his or her OPT?

Can a STEM student continue working if his or her current post-completion OPT period ends before his or her application for a STEM OPT extension is approved?

If a student does not know his or her employer's E-Verify company ID number, will USCIS provide the ID number?

The student's employer gave the student two different numbers: the designated agent's company's E-Verify ID number and the client company's E-Verify ID number. Which one should the student use on Form I-765?

Does the DSO need to confirm that the F-1 STEM student's prospective employer is enrolled in E-Verify?

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What is the E-Verify program?

The E-Verify program is an internet-based system operated by DHS, in partnership with the Social Security Administration (SSA). The program currently is the best means available for employers to determine employment eligibility of new hires and the validity of their Social Security Numbers. E-Verify electronically compares information contained on the Employment Eligibility Verification Form I-9 with records contained in the SSA and DHS databases to help employers verify identity and employment eligibility on newly hired employees.

Are all employees verified through the system?

No, if an employee was already working for a company prior to the company's enrollment in E-Verify, the employer should not submit a verification on their behalf. E-Verify should only be used to confirm employment authorization for newly hired employees. The program should not be used to pre-screen applicants for employment or check employees hired before the company enrolled. If an employer enrolls in E-Verify to retain the employment of an F-1 STEM OPT student, the employer does not need to verify the student's employment eligibility since the student is an existing employee and not a new one. However, the student's I-9 will need to be updated when the STEM extension is approved in order to document the continuity of work authorization.

If the student's current employer is not registered with E-Verify and does not wish to register, how does the student find an employer that is registered with E-Verify?

It is the student's responsibility to find an employer that is registered with E-Verify. USCIS does not currently publish a list of E-Verify employers.

How does the student's employer register with E-Verify?

If the student's employer wishes to register with E-Verify, then the employer should visit the USCIS website at uscis.gov/e-verify for information about registering with E-Verify.

Are all employers required to participate in E-Verify?

No. However, students wishing to engage in STEM OPT extension employment must be employed by an employer that is registered with E-Verify.

If an F-1 student currently works for two employers and wishes to apply for the STEM OPT extension, would both employers have to be enrolled in E-Verify?

If the student wishes to continue to work for both employers during the STEM OPT extension period, each employer would need to be enrolled in E-Verify.

What if the employer is enrolled in E-Verify at some locations, but the hiring site where the student will work is not enrolled?

If the hiring site where the student will work has not been identified in the E-Verify Memorandum of Understanding that the employer signed during E-Verify enrollment, that hiring site is not considered to be enrolled in E-Verify and, therefore, cannot employ an F-1 student under the STEM OPT extension.

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What E-Verify information is required for an F-1 STEM student to extend his or her OPT?

The student must provide his or her employer's name and its E-Verify Company ID number, or Client ID if it uses a third party designated agent, in item #17 of the Form I-765.

Can a STEM student continue working if his or her current post-completion OPT period ends before his or her application for a STEM OPT extension is approved?

If the student is working for an employer enrolled in E-Verify, the student's post-completion OPT employment authorization is automatically extended for 180 days or until a decision is made on the STEM OPT extension application, whichever occurs first.

If a student does not know his or her employer's E-Verify company ID number, will USCIS provide the ID number?

No, USCIS will not provide the employer's E- Verify company ID number. The student should contact the employer directly to obtain this information. If the employer has difficulty finding its E-Verify ID number, the employer should call the E-Verify contact center for further instructions.

The student's employer gave the student two different numbers: the designated agent's company's E-Verify ID number and the client company's E-Verify ID number. Which one should the student use on Form I-765?

The student needs to include the E-Verify number of the company that will be providing the student's pay check, as that is the company the student is working for.

Does the DSO need to confirm that the F-1 STEM student's prospective employer is enrolled in E-Verify?

No. The DSO is not required to confirm the employer's E-Verify enrollment. However, the DSO should remind the student that the STEM extension will be denied if the employer is not enrolled.

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Form I-9 Documents to Show Employer

What documents can the F-1 student applying for the 17-month STEM OPT extension show his or her employer when completing the Form I-9?

What documents can the F-1 student with automatic employment authorization under the F-1/H-1B cap-gap provision show his or her employer when completing the Form I-9?

How is Form I-20 endorsed by SEVIS and the DSO to indicate automatic employment authorization under the F-1/H-1B cap-gap provision?

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What documents can the F-1 student applying for the 17-month STEM OPT extension show his or her employer when completing the Form I-9?

An F-1 student who has timely filed Form I-765 for a 17-month STEM extension of his/her post-completion OPT, and whose EAD (Form I-766) has expired, is authorized to continue working while the Form I-765 application is pending, for a period not to exceed 180 days.

The following documents constitute the equivalent of an unexpired EAD under List A, # 4 of the Form I-9:

- The expired Form I-766 EAD;
- The USCIS receipt notice (Form I-797, Notice of Action) showing a timely filing of the Form I-765 extension application; and
- Form I-20 updated to show that the DSO recommended the STEM extension for a work authorization period beginning on the date after the expiration of the EAD.

This combination of documents satisfies the Form I-9 document presentation requirements for 180 days (or less if the application is denied beforehand). If the 17-month STEM extension is approved, the student should receive a new Form I-766 EAD within the 180-day period.

What documents can the F-1 student with automatic employment authorization under the F-1/H-1B cap-gap provision show his or her employer when completing the Form I-9?

A student will need to obtain an updated Form I-20 from his or her DSO. The DSO will issue an interim cap-gap Form I-20 showing an extension until June 1st. Students whose approved period of OPT already extends beyond June 1st do not need an interim extension. The student should provide the DSO with evidence of a timely filed H-1B petition (indicating a request for change of status rather than for consular processing) such as a copy of the petition and the FedEx, UPS, or USPS Express/certified mail receipt. If a student's SEVIS record has not been automatically updated with the cap-gap extension, the DSO should add an interim cap-gap extension to the student's SEVIS record or contact the SEVIS Help Desk to have the full cap-gap extension applied to the record. For additional information on the interim cap-gap extension, refer to SEVP's Supplementary Cap-Gap Guidance.

The following documents constitute the equivalent of an unexpired EAD under List A, # 4 of the Form I-9:

- The expired Form I-766 EAD;
- A "cap-gap" Form I-20 endorsed to show that the student's employment authorization is still valid; and
- The USCIS receipt notice (Form I-797, Notice of Action) showing receipt of the H-1B petition.

This combination of documents satisfies the Form I-9 document presentation requirements until September 30th, or until the date of the denial of the H-1B petition. If the receipt notice has not yet been issued, the expired EAD and the "cap-gap" Form I-20 are sufficient.

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How is Form I-20 endorsed by SEVIS and the DSO to indicate automatic employment authorization under the F-1/H-1B cap-gap provision?

SEVIS will generate a cap-gap Form I-20 that takes into account the different stages of the H-1B filing, selection, and adjudication process. The cap-gap Form I-20 will contain an endorsement as follows:

"F-1 status and employment authorization for this student have been automatically extended to [the applicable date will be inserted]. The student is authorized to remain in the United States and continue employment with an expired employment authorization document. This is pursuant to 8 CFR 214.2(f) (5) (iv) and 8 CFR 274a.12 (b) (6) (iv), as updated [applicable date inserted] in a rule published in the Federal Register (cite inserted). Additional information about the automatic extension can be found on the U.S. Immigration and Customs Enforcement (ICE) – Student and Exchange Visitor Program (SEVP) website at www.ice.gov/sevis."

The DSO will note an expiration date on the cap-gap Form I-20 as follows:

- If the student's post-completion OPT EAD expires before June 2 and the student can only show the DSO evidence of a properly filed H-1B petition that also includes a change of status request, then the DSO will note an expiration date of June 2 and August 2, respectively.
- If the student's post-completion OPT EAD expires before July 28 and the student can show the DSO evidence of being on the wait list for an H-1B slot, the DSO will note an expiration date of July 28 and September 27, respectively.
- If the student can show the DSO a filing receipt (Form I-797, Notice of Action), or approved the H-1B petition and change of status request, the DSO will note an expiration date of September 30.

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Unit 2 F-2 Spouses and unmarried children under the age of 21 of an F-1 nonimmigrant

FAQs about F-2 Status

Can the spouse and minor children of an F-1 student follow-to-join or accompany the student to the United States?

Can the spouse and minor children of an F-1 student work legally in the United States?

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Can the spouse and minor children of an F-1 student follow-to-join or accompany the student to the United States?

Yes, **spouse and minor children** of an F-1 student can follow-to-join or accompany the F-1 student to the United States. The **spouse and minor children** are granted F-2 status and are admitted for the same period of time as the F-1 student.

Can the spouse and minor children of an F-1 student work legally in the United States?

No, the **spouse and minor children** of an F-1 student are not allowed to work legally in the United States while in F-2 status.

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Unit 3	F-3 Canadian and Mexican Academic Students who commute across the U.S. land border to school

FAQs about F-3 Status

What is the F-3 nonimmigrant classification for?

How long can an F-3 border commuter student stay in the United States?

Can F-3 border commuter students extend their stay?

Can F-3 border commuter students work in the United States?

Can F-3 border commuter students change schools?

Are the dependents of an F-3 border commuter student eligible to obtain F-2 status?

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What is the F-3 nonimmigrant classification for?

The F-3 nonimmigrant classification is for certain foreign nationals who are citizens of Canada or Mexico who continue to reside in their home country while commuting daily and seeking admission to the United States at a land border port-of-entry to attend an approved school within 75 miles of the border. The "border commuter student" must be enrolled in a full course of study at the school that leads to the attainment of a specific educational or professional objective, albeit on a part-time basis.

How long can an F-3 border commuter student stay in the United States?

For information regarding this question, please call 703-603-3400.

Can F-3 border commuter students extend their stay?

For information regarding this question, please call 703-603-3400.

Can F-3 border commuter students work in the United States?

For information regarding this question, please call 703-603-3400.

Can F-3 border commuter students change schools?

For information regarding this question, please call 703-603-3400.

Are the dependents of an F-3 border commuter student eligible to obtain F-2 status?

No, the dependents of F-3 border commuter students are not eligible to obtain F-2 status.

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Chapter 2 J Exchange Visitor

OVERVIEW

This classification allows an approved alien to participate in an exchange visitor program in the United States. The program is designed to promote the interchange of persons, knowledge, and skills in the fields of education, arts, and science.

The Department of State (DOS) manages the exchange visitor program. United States Information Agency ("USIA") must approve an exchange program's participation. Many exchange visitors are subject to a foreign residence requirement, which requires that they return and live in their country for two years after they complete their program in the United States. An overview of the Student and Exchange Visitor Information System (SEVIS).

The spouse and unmarried children of a J-1 exchange visitor may be granted J-2 dependent status to accompany the J-1 exchange visitor.

Please choose a status below to see more frequently asked questions related to it.

Unit 1 J-1 Exchange Visitor

Unit 2 J-2 Spouse and unmarried children under the age of 21 of a J-1 nonimmigrant

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Unit 1 J-1 Exchange Visitor

FAQs about J-1 Status

What is the purpose of the Exchange Visitor Program?

Who is eligible to be an Exchange Visitor Program sponsor?

What are the initial eligibility requirements for designation as an Exchange Visitor Program?

What is the role of the program sponsor?

Are program sponsors required to perform background checks?

What is the registration fee?

Who is considered an exchange visitor for the purposes of the Exchange Visitor Program?

How does a program become an approved Exchange Visitor Program?

What is a J-1 nonimmigrant visa?

How does a prospective exchange visitor obtain a J1 status via an Exchange Visitor Program?

How can an exchange visitor replace his or her DS-2019 or Form I-94?

What documentation would an exchange visitor seeking entry as a J-1 nonimmigrant need to enter the United States?

What is the maximum period of stay for a J-1 exchange visitor?

Can a J-1 and J-2 dependents travel outside of the United States and return to the same status?

Can a J-1 and J-2 dependents change to another nonimmigrant category?

Can a J-1 exchange visitor obtain permanent residence status based on their J-1 status?

Can a J-1 exchange visitor transfer programs?

Is a J-1 exchange visitor subject to the two-year foreign residence requirement?

Can the two-year foreign residence requirement be waived? If so, how?

What is the procedure for the J-1 to apply for a waiver of the two-year foreign residence requirement?

Can a J-1 exchange visitor work legally in the United States?

To be eligible to work in the United States does a J-1 exchange visitor need to obtain an employment authorization document from USCIS?

How long can a J-1 exchange visitor work in the United States?

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What is the purpose of the Exchange Visitor Program?

The purpose of the exchange visitor program is to increase mutual understanding between the people of the United States and people of other countries by means of educational and cultural exchanges. It provides foreign nationals with opportunities to participate in educational and cultural programs in the United States who then return home to share their experiences, as well to encourage Americans to participate in educational and cultural programs in other countries.

Who is eligible to be an Exchange Visitor Program sponsor?

Please see the Department of State's website at www.state.gov or contact the DOS Office of Exchange Coordination and Designation at 202-203-5096.

What are the initial eligibility requirements for designation as an Exchange Visitor Program?

Please see the Department of State's website at www.state.gov or contact the DOS Office of Exchange Coordination and Designation at 202-203-5096.

What is the role of the program sponsor?

Please see the Department of State's website at www.state.gov or contact the DOS Office of Exchange Coordination and Designation at 202-203-5096.

Are program sponsors required to perform background checks?

Yes. The Department of State requires program sponsors to complete criminal background checks for officers, employees, agents, representatives and volunteers acting on their behalf and require monthly contact with host families and students. Additionally, all adult members of a host family household must undergo a criminal background check. Program sponsors must report all allegations sexual misconduct to both the Department of State and local law enforcement authorities.

What is the registration fee?

The registration fee covers certain costs for administering and enforcing the laws with respect to foreign students and certain exchange visitors in the U.S. Not all exchange visitors have to pay this fee, and the fee is not the same for all categories of exchange visitors. For additional information, please see the Department of State's website at www.state.gov or contact the DOS Office of Exchange Coordination and Designation at 202-203-5096.

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Who is considered an exchange visitor for the purposes of the Exchange Visitor Program?

Please see the Department of State's website at www.state.gov or contact the DOS Office of Exchange Coordination and Designation at 202-203-5096.

How does a program become an approved Exchange Visitor Program?

The Department of State is responsible for administering the Exchange Visitor Program. For further information regarding how to become approved program, see the Department of State's website at www.state.gov or contact the DOS Office of Exchange Coordination and Designation at 202-203-5096.

What is a J-1 nonimmigrant visa?

The J-1 nonimmigrant visa is a nonimmigrant status for an exchange visitor wishing to stay temporarily in the United States. For more information, please see the Department of State's website at www.state.gov or contact the DOS Office of Exchange Coordination and Designation at 202-203-5096.

How does a prospective exchange visitor obtain a J1 status via an Exchange Visitor Program?

For this information, please see the Department of State's website at www.state.gov or contact the DOS Office of Exchange Coordination and Designation at 202-203-5096.

How can an exchange visitor replace his or her DS-2019 or Form I-94?

To replace Form DS-2019, contact the DOS Office of Exchange Coordination and Designation at 202-203-5096.

If the student has misplaced his/her Form I-94, the student will need to file a Form I-102 with USCIS to replace the Form I-94. The Form I-102 is available on our website at www.uscis.gov. However, if the student entered the U.S. after the I-94 was automated (April 30, 2013), the I-94 record can be accessed at www.cbp.gov/I94.

What documentation would an exchange visitor seeking entry as a J-1 nonimmigrant need to enter the United States?

The exchange visitor needs a Form DS-2019 signed by the Responsible Officer (RO), a valid J-1 visa, and a passport valid for six months beyond the period of admission.

Note to Representative: There are exceptions to the visa and passport requirements. If there are questions concerning these exceptions, please transfer the call to Tier 2, UNLESS Tier 2 live assistance is unavailable.

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What is the maximum period of stay for a J-1 exchange visitor?

A J-1 exchange visitor is admitted for the duration of status (D/S). For more information, please see the Department of State's website at www.state.gov or contact the DOS Office of Exchange Coordination and Designation at 202-203-5096.

Can a J-1 and J-2 dependents travel outside of the United States and return to the same status?

Please see the Department of State's website at www.state.gov or contact the DOS Office of Exchange Coordination and Designation at 202-203-5096.

Can a J-1 and J-2 dependents change to another nonimmigrant category?

Yes, so long they meet the requirements for the new category and there are not restrictions on their eligibility to change status, such as the two-year foreign residence requirement.

Can a J-1 exchange visitor obtain permanent residence status based on their J-1 status?

No, there is currently no path to permanent residence status based on J-1 status.

Can a J-1 exchange visitor transfer programs?

The exchange visitor should contact his or her Responsible Officer (RO), see the Department of State's website at www.state.gov, or contact the DOS Office of Exchange Coordination and Designation at 202-203-5096.

Is a J-1 exchange visitor subject to the two-year foreign residence requirement?

The exchange visitor should contact his or her Responsible Officer (RO), see the Department of State's website at www.state.gov, or contact the DOS Office of Exchange Coordination and Designation at 202-203-5096.

Can the two-year foreign residence requirement be waived? If so, how?

Yes, the two-year foreign residence requirement can be waived under certain circumstances. For more information, the exchange visitor should contact his or her Responsible Officer (RO), see the Department of State's website at www.state.gov, or contact the DOS Office of Exchange Coordination and Designation at 202-203-5096.

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What is the procedure for the J-1 to apply for a waiver of the two-year foreign residence requirement?

For more information, the exchange visitor should contact his or her Responsible Officer (RO), see the Department of State's website at www.state.gov, or contact the DOS Office of Exchange Coordination and Designation at 202-203-5096.

Can a J-1 exchange visitor work legally in the United States?

For more information, the exchange visitor should contact his or her Responsible Officer (RO), see the Department of State's website at www.state.gov, or contact the DOS Office of Exchange Coordination and Designation at 202-203-5096.

To be eligible to work in the United States does a J-1 exchange visitor need to obtain an employment authorization document from USCIS?

No, J-1 exchange visitors do not need to obtain an employment authorization document from USCIS to be eligible to work in the United States. However, an exchange visitor must present the following documents for employment eligibility verification purposes on Form I-9, Employment Eligibility Verification. :

- Student's unexpired foreign passport;
- The Form I-94 Arrival-Departure Record issued to the alien upon admission to the United States under J-1 classification or a printed Form I-94 from the CBP webpage at www.cbp.gov/I94; and
- The Form DS-2019 endorsed by the program sponsor for the specific employment or type and duration of employment.

How long can a J-1 exchange visitor work in the United States?

For more information, the exchange visitor should contact his or her Responsible Officer (RO), see the Department of State's website at www.state.gov, or contact the DOS Office of Exchange Coordination and Designation at 202-203-5096.

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Unit 2 Dependents of J Exchange Visitor

FAQs about J-2 Status

Can the J-2 dependents of a J-1 exchange visitor accompany or follow-to-join the J-1 exchange visitor to the United States?

Can the J-2 dependents of a J-1 exchange visitor work legally in the United States?

Are there any restrictions on employment by J-2 dependents?

Is the J-2 dependent subject to the two-year foreign residence requirement?

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Can the J-2 dependents of a J-1 exchange visitor accompany or follow-to-join the J-1 exchange visitor to the United States?

Yes, the J-2 dependents of a J-1 exchange visitor can accompany or follow-to-join the J-1 exchange visitor to the United States.

Can the J-2 dependents of a J-1 exchange visitor work legally in the United States?

Yes. A J-2 seeking employment may file a Form I-765, Application for Employment Authorization with USCIS.

Are there any restrictions on employment by J-2 dependents?

A J-2 dependent will not be authorized to work in the United States if his or her income is needed to support the J-1 exchange visitor. Also, a J-2 dependent's employment authorization will automatically terminate if the J-1 principal fails to maintain status. Lastly, a J-2 dependent's employment authorization is issued in one-year increments, and may only be authorized while the J-1 principal is participating in his or her exchange program, not exceed four years of employment authorization.

Is the J-2 dependent subject to the two-year foreign residence requirement?

If the J-1 principal is subject to the two-year foreign residence requirement, his or her J-2 dependents are also subject to such a requirement.

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Chapter 3 M Vocational Students

OVERVIEW

The M nonimmigrant visa classification is reserved for foreign students pursuing a full course of study at U.S. Immigration and Customs Enforcement (ICE) - Student and Exchange Visitor Program (SEVP) approved vocational institutions in the United States. An overview of the Student and Exchange Visitor Information System (SEVIS) is available in Chapter 4 of this guide. To become an approved institute of higher learning, please visit the U.S. Immigration and Customs Enforcement (ICE) – Student and Exchange Visitor Program (SEVP) website atwww.ice.gov/sevis.

To obtain M-1 student status, a person must show that he or she:

- Has been accepted by an approved academic school in the United States;
- Has the financial resources to complete the planned course of study without working in the United States; and
- Plans to return abroad when he or she completes the program.

Husbands, wives, and unmarried children under the age of 21 of M1 nonimmigrant students may be granted M2 dependent status to accompany the student.

Please choose a status below to see more frequently asked questions related to it.

Unit 1 M-1 Vocational Students

Unit 2 M-2 Spouses and unmarried children under the age of 21 of an M-1 nonimmigrant

Unit 3 M-3 Canadian and Mexican Vocational Students who commute across the U.S. land border to school

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Unit 1 M-1 Vocational Students

FAQs about M-1 Status

What is an M-1 nonimmigrant visa?

How does a U.S. school get approval to admit foreign students?

How does a foreign student obtain an M-1 student visa or M-1 status?

How can a foreign student replace his/her Form I-20 or Form I-94?

Is there any other way to come to the United States as a student?

What is the maximum period of stay for an M-1 student?

Can an M-1 student and his or her M-2 dependents travel outside of the United States and return to the same status?

Can an M-1 student and M-2 dependents change to another nonimmigrant category?

Can an M-1 student obtain permanent residence status based on his or her M-1 status?

Can an M-1 student transfer schools?

How does an M-1 student transfer schools?

Can an M-1 student change his or her educational objective?

What is a "Full Course of Study"?

What is the purpose of Practical Training?

Is an M-1 student eligible for Curricular Practical Training?

Is an M-1 student eligible for Optional Practical Training?

Can an M-1 student work legally in the United States?

How does an M-1 student apply for Optional Practical training?

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What is an M-1 nonimmigrant visa?

An M-1 nonimmigrant visa is a visa for a vocational student or other ***nonacademic*** student. The purpose of the M-1 nonimmigrant visa is to allow a foreign student to enter the United States temporarily to engage in vocational studies at a U.S. vocational institution.

How does a U.S. school get approval to admit foreign students?

There is a formal application process, and a series of requirements that focus on the school's credentials, and on requirements for administering the program. The application for approval to admit foreign students is Form I-17. A school with questions regarding the requirements or application process should check with U.S. Immigration and Customs Enforcement (ICE) - Student and Exchange Visitor Program (SEVP), the agency responsible for managing this process. Please visit their website at www.ice.gov/sevis or call 703-603-3400 or email schoolcert.SEVIS@dhs.gov.

How does a foreign student obtain an M-1 student visa or M-1 status?

A prospective student with questions regarding how to obtain an M-1 student visa or M-1 status should visit the U.S. Immigration and Customs Enforcement (ICE) - Student and Exchange Visitor Program (SEVP) website at www.ice.gov/sevis or call 703-603-3400.

How can a foreign student replace his/her Form I-20 or Form I-94?

The school can issue a replacement Form I-20.

If the student has misplaced his/her Form I-94, the student will need to file a Form I-102 with USCIS to replace the Form I-94. The Form I-102 is available on our website at www.uscis.gov. However, if the student entered the U.S. after the I-94 was automated (April 30, 2013), the I-94 record can be accessed at www.cbp.gov/I94.

Is there any other way to come to the United States as a student?

An individual may also come to the United States as a student either as an F-1 academic student or a J-1 exchange visitor. For more information regarding this categories, please visit the U.S. Immigration and Customs Enforcement (ICE) - Student and Exchange Visitor Program (SEVP) website at www.ice.gov/sevis.

What is the maximum period of stay for an M-1 student?

An M-1 student is initially admitted for the Duration of Course plus 30 days, not to exceed one year. Any M-1 student enrolled in a vocational program requiring more than one year for completion must file a Form I-539, Application to Change/Extend Nonimmigrant Status, with his or her regional USCIS Service Center for a program extension. The M-1 student is limited to a total period of three years and 30 days from the student's original date of admission.

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Can an M-1 student and his or her M-2 dependents travel outside of the United States and return to the same status?

Please visit the U.S. Immigration and Customs Enforcement (ICE) - Student and Exchange Visitor Program (SEVP) website at www.ice.gov/sevis.

Can an M-1 student and M-2 dependents change to another nonimmigrant category?

Yes, so long as they meet the requirements for the new category and there are not restrictions on their eligibility to change status.

Can an M-1 student obtain permanent residence status based on his or her M-1 status?

No, there is currently no path to permanent residence status based on M-1 status.

Can an M-1 student transfer schools?

Yes, an M-1 student can transfer schools. However, there are specific procedures that the student must follow.

An M-1 student may not transfer to another school after six months from the date the student is first admitted as, or changes nonimmigrant classification to that of, an M-1 student unless the student is unable to remain at the school at which the student was initially admitted because of circumstances beyond the student's control. An M-1 student may be otherwise eligible to transfer to another school if the student:

- Is a bona fide nonimmigrant;
- Has been pursuing a full course of study at the school the student was last authorized to attend;
- Intends to pursue a full course of study at the school at which the student intends to transfer; and
- Is financially able to attend the school at which the student intends to transfer.

Please note that an M-1 student who was **not pursuing a full course of study** at the school he or she was last authorized to attend is ineligible for school transfer and must apply for reinstatement to M-1 nonimmigrant status.

How does an M-1 student transfer schools?

The student should coordinate with both his or her current DSO and the DSO at the school to which the student wishes to transfer. The student must obtain a new Form I-20 from the school to which he or she wishes to transfer. The student must file Form I-539, Application to Extend/Change Nonimmigrant Status, with USCIS for permission to transfer between schools. The student may not transfer school unless and until the Form I-539 is approved. A student who transfers schools without an approved Form I-539 is considered to be out of status.

For more information about the DSO's role and responsibilities regarding an M-1 student's transfer of schools, please visit the SEVIS website at www.ice.gov/sevis or call 703-603-3400.

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Can an M-1 student change his or her educational objective?

No. An M-1 student may not change his or her educational objective.

What is a "Full Course of Study"?

In general, successful completion of an M-1 student's course of study must lead to the attainment of a specific educational or vocational objective, as described below:

- Study at a community college or junior college, certified by a school official to consist of at least twelve semester or quarter hours of instruction per academic term in those institutions, using standard semester, trimester, or quarter-hour systems, where all students enrolled for a minimum of twelve semester or quarter hours are charged full-time tuition or considered full-time for other administrative purposes, or its equivalent (as determined by the district director) except when the student needs a lesser course load to complete the course of study during the current term.

- Study at a postsecondary vocational or business school, other than in a language training program, which confers upon its graduates recognized associate or other degrees or has established that its credits have been and are accepted unconditionally by at least three institutions of higher learning which are either: (1) a school (or school system) owned and operated as a public educational institution by the United States or a state or political subdivision thereof; or (2) a school accredited by a nationally recognized accrediting body, and which has been certified by a designated school official to consist of at least twelve hours of instruction a week, or its equivalent, as determined by the district director.

What is the purpose of Practical Training?

The purpose of practical training is for the students to apply the knowledge and skills gained from their educational programs.

Is an M-1 student eligible for Curricular Practical Training?

No. An M-1 student is ineligible for curricular practical training.

Is an M-1 student eligible for Optional Practical Training?

An M-1 student may be eligible for Optional Practical Training (OPT) if (a) the proposed employment is recommended by the student's DSO for the purpose of practical training, (b) the proposed employment is related to the students' course of study, and (c) upon the DSO's information and belief, employment comparable to the proposed employment is not available to the student in the country of the student's foreign residence. An M-1 student may only engage in post-completion OPT, which means OPT that begins after the student has completed his or her course of study.

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Can an M-1 student work legally in the United States?

An M-1 student may only work legally in the United States pursuant to a grant of OPT.

How does an M-1 student apply for Optional Practical training?

To apply for work authorization, the student must file Form I-765, Application for Employment Authorization, with USCIS, accompanied by a Form I-20 that has been endorsed for practical training by the DSO. The application must be submitted prior to the program end date listed on the student's Form I-20, but not more than 90 days before the program end date.

Please visit the USCIS website at **uscis.gov** to download a copy of the current Form I-765 or to obtain current filing fee information for the Form I-765. The Form I-765 and accompanying documentation should be filed at the regional service center having jurisdiction over the student's place of residence.

For more information regarding DSO responsibilities, please visit the U.S. Immigration and Customs Enforcement (ICE) - Student and Exchange Visitor Program (SEVP) website at www.ice.gov/sevis or call 703-603-3400.

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Unit 2 M-2 Spouses and unmarried children under the age of 21 of an M-1 nonimmigrant

FAQs about M-2 Status

Can the M-2 dependents of an M-1 student accompany or follow-to-join the M-1 student to the United States?

Can the M-2 dependents of an M-1 student work legally in the United States?

What Is my Name?

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Can the M-2 dependents of an M-1 student accompany or follow-to-join the M-1 student to the United States?

Yes, M-2 dependents of an M-1 students can accompany or follow-to-join the M1 student to the United States.

Can the M-2 dependents of an M-1 student work legally in the United States?

No, the dependents of an M-1 student are not allowed to work legally in the United States.

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Unit 3 M3 Canadian and Mexican Vocational Students who commute across the U.S. land border to school

FAQs about M-3 Status

What is the M-3 nonimmigrant classification?

How long can an M-3 border commuter student stay in the United States?

Can an M-3 border commuter student extend his or her stay?

Can an M-3 border commuter student work in the United States?

Can an M-3 border commuter student transfer schools?

Are the dependents of an M- 3 border commuter student eligible to obtain an M-2 status?

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What is the M-3 nonimmigrant classification?

The M-3 nonimmigrant classification is for "border commuter students" who are citizens of Canada or Mexico who continue to reside in their home country while commuting daily and seeking admission to the United States at a land border port-of-entry to attend an approved vocational center within 75 miles of the border.

How long can an M-3 border commuter student stay in the United States?

An M-3 student is admitted for the Duration of Studies, as indicated on Form I-20. There is no 30 day departure period.

Can an M-3 border commuter student extend his or her stay?

Yes. However, the M-3 student must be able to complete his or her course of studies plus any period of optional practical training within 3 years from the initial start date of the course of study.

Can an M-3 border commuter student work in the United States?

An M-1 student may only work legally in the United States pursuant to a grant of OPT.

Can an M-3 border commuter student transfer schools?

Yes, an M-3 student can transfer schools. However, there are specific procedures that the student must follow.

An M-1 student may not transfer to another school after six months from the date the student is first admitted as, or changes nonimmigrant classification to that of, an M-1 student unless the student is unable to remain at the school at which the student was initially admitted because of circumstances beyond the student's control. An M-1 student may be otherwise eligible to transfer to another school if the student:

- Is a bona fide nonimmigrant;
- Has been pursuing a full course of study at the school the student was last authorized to attend;
- Intends to pursue a full course of study at the school at which the student intends to transfer; and
- Is financially able to attend the school at which the student intends to transfer.

Please note that an M-1 student who was **not pursuing a full course of study** at the school he or she was last authorized to attend is ineligible for school transfer and must apply for reinstatement to M-1 nonimmigrant status.

Are the dependents of an M- 3 border commuter student eligible to obtain an M-2 status?

No, the dependents of M-3 border commuter students are not eligible to obtain an M-2 status.

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Chapter 4 Student and Exchange Visitor Information System (SEVIS)

OVERVIEW

The Student and Exchange Visitor Information System, known as SEVIS, is an Internet-based computer system that allows schools and exchange visitor program sponsors to transmit electronic information to USCIS and to the Department of State (DoS) throughout the duration of a foreign student's or exchange visitor's stay in the United States. This system provides tracking and monitoring functionality, with access to current information on F-1 and M-1 nonimmigrant students and J-2 exchange visitors and their F-1, M-2, and J-2 dependents. SEVIS includes information and reporting functionality on status events for students and exchange visitors such as entry/exit data, change of current U.S. address (residence), program extensions, and employment notifications. The DoS Office of Exchange Coordination and Designation has the capability to review and approve updates made to the program sponsor and exchange visitor records using SEVIS, and the Responsible Officers (RO) and Alternate Responsible Officers (AROs) will be notified via email of the results.

SEVIS was originally mandated under the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). At that time, the Immigration and Naturalization Service (INS) was directed to develop an electronic reporting program to collect information from schools and exchange programs relating to foreign students, exchange visitors, and their dependents. This responsibility has since been transferred to U.S. Immigration and Customs Enforcement (ICE).

For additional information, please visit the U.S. Immigration and Customs Enforcement (ICE) – Student and Exchange Visitor Program (SEVP) website at www.ice.gov/sevis or call 703-603-3400. General inquiries can be sent by email to sevp@ice.dhs.gov and technical questions can be sent by email to sevishelpdesk@hp.com.

For additional information on the Exchange Visitor Program, please visit the DOS website at www.state.gov or call 202-203-5096.

What is the DSO's Role and Responsibilities under SEVIS?

What student information must the DSO report to SEVIS?

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What is the DSO's Role and Responsibilities under SEVIS?

For information about the DSO's role and responsibilities under SEVIS, please visit the U.S. Immigration and Customs Enforcement (ICE) - Student and Exchange Visitor Program (SEVP) website at www.ice.gov/sevis or call 703-603-3400.

What student information must the DSO report to SEVIS?

For information about the reporting requirements for SEVIS, please visit the U.S. Immigration and Customs Enforcement (ICE) - Student and Exchange Visitor Program (SEVP) website at www.ice.gov/sevis or call 703-603-3400.

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CSR Transfer Statement:

Due to a high volume of calls, we would be happy to take some information from you and refer your inquiry to a USCIS officer to research and respond.

Note to Representative:

- Go to SRMT and take a service request.
  - The Service Request Type will be based on the Transfer Reason
  - In the comments block, state the specific information that the customer is seeking and a brief reason why he or she needed the call escalated.
  - Ensure the caller is within the "acceptable caller type" before taking the service request.
  - Complete the service request and use the routing override capability to select **WKD** as the office for the service request to route to Tier 2.
  - Provide the customer with the referral ID number
  - Advise the customer that a USCIS officer will research their inquiry and contact them within 3 to 5 business days.

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In order to ensure customer privacy and security as well as data integrity, we may only take information regarding cases from the following individuals:

- The applicant/petitioner (The person who signed the application or petition in question)
- Authorized Officer or Employee of Petitioning Company or Organization
- A translator (Only if the applicant/petitioner is present)
- An attorney who claims to have a G-28 on file for the petitioner/applicant OR a paralegal from that attorney's office/firm (ask if the attorney has a G-28 on file).
- A Community-Based Organization (CBO) who is representing the applicant/petitioner and who has a G-28 on file (ask if the CBO has a G-28 on file).
- A parent of an applicant/petitioner who is under age 18.
- A legal guardian of an applicant or petitioner.
- An adult caregiver of the applicant or petitioner (Such as a nurse caring for an elderly or disabled person – if the applicant or petitioner is physically able to speak on the phone, his/her presence should at least be confirmed. If physically unable to speak on the phone , continue as if the caregiver were the applicant/petitioner)

Confirm that the caller meets at least one of the above listed requirements before taking a Service Request. If the caller is not within one of the acceptable caller types listed above, we will not be able to take a service request from the caller.

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Volume 5	Experiencing Technical Difficulty with Electronic Immigration System (ELIS)	Last Updated: 11-02-15

OVERVIEW

USCIS ELIS will allow us to move immigration services from a paper-based model to a secure electronic environment. USCIS ELIS is a user-friendly system created to streamline the application process for immigration benefits. It will also provide more accurate and secure customer service and will allow USCIS to process cases with greater consistency and security.

Are you experiencing technical difficulty with the Electronic Immigration System (ELIS)?

USCIS has established a technical helpdesk to address issues that are specific to the USCIS ELIS system. Neither the technical helpdesk nor I can assist with technical issues that are caused by your computer, your browser or your internet provider. You must contact the appropriate party for any assistance you may need.

It would appear that you are experiencing technical difficulties with the ELIS system, is that correct?

- Yes
  Note to Representative: To assist the customer, please see the FAQs below and the additional ELIS FAQs in Volume 3, provided in the link below.
  - If there are no FAQs here or in Volume 3 that address the customer's inquiry, transfer to the ELIS Help Desk at Tier 2
    - Before transferring the call please verify that the customer is attempting to pay the USCIS Immigrant Fee or that the customer is attempting to file or has filed Form I-539 or Form I-526 via the ELIS system.
    - If the customer is attempting to file or has filed any other form go to "Where to Start" to assist the customer.

- No
  Note to Representative: go to "Where to Start"

WHAT INFORMATION ARE YOU SEEKING? (PLEASE CHOOSE ONE BELOW)

How do I get started using ELIS/How do I create an account in ELIS?

My User ID and/or Password are not working. Can you reset my ELIS User account?

Does ELIS have accessibility for applicants with disabilities who use readers or other assistive devices?

What browser can I use?

Do I need an email address to use ELIS? Can I change my email later?

Tips for use of ELIS System

Note to Representative: For more FAQs about using ELIS, please go to **Volume 3, Getting Ready to File, USCIS ELIS Questions Chapter.**

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How do I get started using ELIS/How do I create an account in ELIS?

You can start by going to www.uscis.gov/uscis-elis. You can also access USCIS ELIS through our Forms page at www.uscis.gov/forms.

Once you access USCIS ELIS, you will see instructions on how to create an account and file an online benefit request.

My User ID and/or Password are not working. Can you reset my ELIS User account?

There is an option in ELIS that you can select if you can not remember your ELIS password. It will prompt you with a security question to answer. If answered correctly it will allow you to reset your password. For security reasons, USCIS cannot reset your ELIS User Account. If you were unable to correctly answer any of your security questions, we will transfer you to a representative who can assist you with the reset of your security questions.

Note to Representative: If the caller is unable to access their ELIS account, transfer the caller to the ELIS Helpdesk.

Does ELIS have accessibility for applicants with disabilities who use readers or other assistive devices?

Some key features of USCIS ELIS will not be available for applicants with disabilities who are using readers or other assistive devices. Until this issue is resolved, we recommend that applicants with disabilities who use readers or other assistive devices continue to file their I-539 application using current processes including our original E-file process or by submitting a paper application.

What browser can I use?

You can use Internet Explorer version 8 or higher, Mozilla Firefox version 30 or higher, or Google Chrome version 35 or higher.

Do I need an email address to use ELIS? Can I change my email later?

USCIS ELIS will require an email address to establish an account. The entry of this email address is case sensitive. The email address that is established in the set up process cannot be changed until a benefit has been submitted. Please be sure to use an email address that you will not lose access to.

Tips for use of ELIS System

Save Document - Save your entries often; Click the save button between pages.
Time Out Alert - USCIS ELIS will display a "Time Out Alert" after 5 minutes of inactivity. If USCIS ELIS times out, you may lose any unsaved entries.
Special Characters - Do not use a dot or period when entering data it will cause the display of an improper data format error for the entry field.
PDF Display - On occasion, the PDF displayed may be a gray screen; press the F5 key to display the PDF when a gray screen is encountered.
System Delay or Lag-time - The processing of some large files may cause a delay in the availability of the next screen.
Use of Spaces in the Address Fields - Do not enter spaces in the Postal Code Field or in the Apt./Suite # Field.

Back to: ELIS Technical Difficulties Main Menu

Volume 6	Inadmissibility and Waivers	Last Updated: 11-04-15

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Chapter 1 What is Inadmissibility?

Individuals who are inadmissible are not permitted by law to enter or remain in the United States. The Immigration and Nationality Act sets forth grounds for inadmissibility. The general categories of inadmissibility include health, criminal activity, national security, public charge, lack of labor certification (if required), fraud and misrepresentation, prior removals, unlawful presence in the United States, and several miscellaneous categories. For certain grounds of inadmissibility, it may be possible for a person to obtain a waiver of that inadmissibility. In some cases, exceptions are written into the law and no waiver is required to overcome the inadmissibility because the inadmissibility does not apply if the individual meets the exception. Examples include exceptions for aliens who have been battered, abused or subjected to extreme cruelty, who are victims of severe forms of trafficking, and who are minors.

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Unit 1 Inadmissibility Due to Health

The inadmissibility due to health concerns covers a range of situations. In general, they are:

1. **Those who have a communicable disease of public health significance.** The Government defines diseases that fall into this category. The following conditions are considered communicable diseases of public health significance: chancroids; gonorrhea; granuloma inguinale; infectious leprosy; lymphogranuloma venereum; infectious syphilis; and active tuberculosis.

2. **Those seeking immigrant status who has failed to receive necessary vaccinations against vaccine-preventable diseases.** The law makes a person inadmissible if he or she fails to present evidence of vaccination against vaccine-preventable diseases. Some of the vaccines are specifically required by statute; the statute also gives the Department of Health and Human Services, Centers for Disease Control and Prevention (CDC), Advisory Committee for Immunization Practices, the authority to require additional vaccinations. For a list of vaccinations that are currently required, please consult the CDC's Technical Instructions in regards to Vaccinations on the CDC's website at http://www.cdc.gov/immigrantrefugeehealth/exams/ti/civil/vaccination-civil-technical-instructions.html.

3. **Those who have or have had a physical or mental disorder with associated harmful behavior or harmful behavior that is likely to reoccur. Harmful behavior is behavior that poses, or has posed a threat to person or property.** The law doesn't provide specific examples of any conditions. A person is inadmissible if they have a physical or mental disorder and the behavior associated with the disorder may pose (or has posed and is likely to reoccur) a threat to the property, safety or welfare of the person or others. In the United States, a civil surgeon must make the assessment as outlined in the Technical Instructions for Physical or Mental Disorders with Associated Harmful Behaviors and Substance-related Disorders for Civil Surgeons posted by the CDC on its website and available at the following link: (http://www.cdc.gov/immigrantrefugeehealth/exams/ti/civil/mental-civil-technical-instructions.html). Please note that the physical or mental disorder alone - without the associated harmful behavior - does not make an individual inadmissible.

4. **Those who are drug abusers or addicts.** Drug (substance) abuse of or addiction (medically called dependence) to any of the substances listed in Section 202 of the Controlled Substances Act may render an individual inadmissible. A civil surgeon must make the assessment whether an individual is a drug abuser or a drug addict. A new assessment by a civil surgeon is also needed to determine whether the individual's substance abuse or addiction is in remission which is relevant to an admissibility assessment. A civil surgeon must make the assessment as outlined in the Technical Instructions for Physical or Mental Disorders with Associated Harmful Behaviors and Substance-related Disorders for Civil Surgeons posted by CDC on its website and available at the following link: (http://www.cdc.gov/immigrantrefugeehealth/exams/ti/civil/mental-civil-technical-instructions.html).

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Unit 2 Inadmissibility due to criminal reasons

The following are grounds for inadmissibility due to criminal reasons:

1. **Crimes involving "moral turpitude."** The term moral turpitude is not defined under federal law. However, courts in the United States have defined it generally as an act that is inherently base, vile, or depraved, and contrary to the accepted rules of morality and the duties owed between persons or to society in general. Due to the term's complicated meaning and the various laws that must be reviewed to determine if an individual has committed a crime involving moral turpitude, consultation with an experienced immigration attorney is recommended for any person to whom this section may apply.

2. **Violation of any controlled substance law.** Any violation of any laws, foreign or domestic, relating to illegal drugs can be a ground of inadmissibility.

3. **Multiple Criminal Convictions.** Any person convicted of two or more crimes is inadmissible if the person was sentenced to five or more total years in prison (counting the sentences in the aggregate). This applies regardless of whether the crimes involved moral turpitude or the multiple convictions arose from a single trial or scheme of misconduct.

4. **Drug trafficking.** If any immigration officer "knows or has reason to believe" that a person has been involved in trafficking in controlled substances, that person is inadmissible to the United States. This includes individuals who aid, abet, conspire, or collude with others in illicit drug trafficking.

5. **Prostitution.** Any person coming to the United States to engage in prostitution, or any person who has engaged in prostitution within ten years of his or her application for a visa, adjustment of status, or entry into the United States, is inadmissible. This section also applies to those who have made a profit from prostitution.

6. **Commercialized Vice.** Any person coming to the United States to engage in any unlawful commercialized vice is inadmissible.

7. **Commission of a serious crime in the United States where a person has asserted immunity from prosecution.** Any person who has committed a serious criminal offense and is granted immunity from criminal prosecution is inadmissible if he or she leaves the United States and fails to return and submit him or herself to the jurisdiction of the federal court overseeing the criminal case.

8. **Violations of Religious Freedom.** Any person who, while serving as a foreign government official, was responsible for or directly carried out particularly severe violations of religious freedom is inadmissible.

9. **Human Trafficking.** Any person who commits or conspires to commit human trafficking, or aids, abets, or colludes with an individual who is a trafficker in the United States or outside the United States is inadmissible.

10. **Money Laundering.** Any person who is engaged, is engaging, or seeks to enter the United States to engage in an offense relating to laundering of financial instruments is inadmissible.

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Unit 3 Inadmissibility due to national security reasons

The following are grounds for inadmissibility due to national security reasons:

1. Any person who a Department of State consular officer, DHS immigration officer, or DOJ immigration judge, knows or has reasonable ground to believe that the non-citizen seeks to enter the United States to engage in espionage or sabotage, to attempt to overthrow the U.S. government, or to engage in any unlawful activity that person, is inadmissible.

2. Any person who a Department of State consular officer, DHS immigration officer, or DOJ immigration judge, knows or has reasonable ground to believe that the non-citizen has participated in any terrorist activities or has any association with terrorist organizations, governments or individuals, is inadmissible.

3. Any person who a Department of State consular officer, DHS immigration officer, or DOJ immigration judge, knows or has reasonable ground to believe that the person presents a threat to foreign policy or has membership in any totalitarian party that person may be inadmissible.

4. Any person who has participated in Nazi persecutions or genocide is inadmissible.

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Unit 4 Inadmissibility due to likelihood of becoming a public charge

A person is inadmissible if he or she is likely to become a public charge. A public charge is a person who is primarily dependent on the government for subsistence. Whether or not a person is likely to become a public charge is determined by examining several factors. At a minimum, the factors that must be considered are health, family status, age, assets, employment history, and education. If after considering the totality of the individual's circumstances, the officer determines that the person is likely to become primarily dependent on the government for subsistence, that person is inadmissible as a public charge.

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Unit 5 Inadmissibility due to lack of labor certification

This ground makes certain aliens who seek to enter permanently (as immigrants) into the United States and to work inadmissible unless the Secretary of Labor certifies that:

1. Employment of the person will not adversely affect the wages and working conditions of U.S. workers similarly employed; and

2. There are not enough U.S. workers willing, qualified, and able to do the same work.

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Unit 6 Inadmissibility due to fraud or misrepresentation

Any person who seeks admission to the United States, a visa or other immigration travel or entry document, or any immigration benefit by fraud or willfully misrepresenting a material fact is inadmissible.

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Unit 7 Inadmissibility due to prior removals and/or unlawful presence

1. Individuals who are barred from returning to the United States because they have been in the United States for a period in excess of 180 days, during a single stay, and then departed the United States.

2. Individuals who are barred from returning to the United States because they had either been removed (or excluded or deported) from the United States or departed the United States on their own volition while a final order of removal was outstanding.

3. Individuals who were unlawfully in the United States for a total of one year (whether accrued during a single stay or multiple stays) AND then, illegally (without being inspected and admitted or inspected and paroled) reentered the United States.

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Unit 8 Miscellaneous grounds of inadmissibility

The following are other grounds of inadmissibility:

1. Persons who entered the country illegally (without being inspected and admitted or paroled)
2. Persons who failed to attend immigration and/or removal hearings
3. Smugglers
4. Student visa abusers
5. Former U.S. citizens who renounced citizenship to avoid taxation
6. Practicing polygamists
7. Unlawful voters
8. International child abductors and relatives of such abductors

Back to: What is Inadmissibility? Inadmissibility and Waivers Main Menu

Chapter 2 If a Waiver is Available for my Specific Ground(s) of Inadmissibility, Which Application Should I Use to Apply?

Note to CSR: If the customer is asking about the Provisional Unlawful Presence Waiver read this paragraph:
Persons with an approved immediate relative petition who are in the United States and believe they are or will be inadmissible for three or ten years upon their departure because they accrued more than 180 days of unlawful presence in the United States, may be eligible for a provisional unlawful presence waiver. The provisional unlawful presence waiver only applies to immediate relatives of U.S. citizens who are in the United States but are seeking an immigrant visa through the consular process at a U.S. Embassy or consulate abroad. Immediate relatives are spouses, children and parents of U.S. citizens.

If granted, the waiver is provisional and does not take effect until the individual leaves the United States, appears for his or her immigrant visa interview and the Department of State consular officer determines that they are otherwise admissible to the United States. The waiver only covers one ground of inadmissibility – unlawful presence. An individual who may be subject to multiple grounds of inadmissibility will not be eligible for the provisional unlawful presence waiver but may still seek a waiver through the Form I-601, Application for Waiver of Grounds of Inadmissibility, waiver process. If the individual would like to apply for a provisional unlawful presence waiver before they depart the United States, the form they should use is the Form I-601A, Application for Provisional Unlawful Presence Waiver. The individual can also visit the USCIS website at www.uscis.gov/provisionalwaiver to get additional information about the provisional unlawful presence process. FAQ's about who may file a Form I-601A, Application for Provisional Unlawful Presence Waiver.

Note to CSR: If the customer is asking about waivers that can be filed with an application for adjustment of status or Temporary Protected Status (TPS), read this paragraph:

If an individual is seeking an waiver of inadmissibility while outside the United States and in connection with an immigrant visa, or if the individual is seeking adjustment of status or temporary protected status while in the United States, or if an individual is an applicant for a K or V nonimmigrant visa abroad, the form that they should use to overcome certain grounds of inadmissibility is the Form I-601, Application for Waiver of Ground of Inadmissibility. FAQ's about who may file a Form I-601, Application for Waiver of Grounds of Inadmissibility. If you are seeking adjustment, TPS, or a K or V visa, you can file the Form I-601 with your request for an immigration benefit or after you have filed your request. If you are seeking an immigrant visa, you can only file the Form I-601 after you are interviewed by a Department of State consular officer who found you to be inadmissible to the United States.

Note to CSR: If the customer is an applicant for refugee status (outside the United States) or an asylee or refugee seeking adjustment of status read this paragraph:

Applicants for refugee status who are inadmissible to the United States and asylees or refugees seeking adjustment of status can apply for a waiver of inadmissibility on the Form I-602, Application by Refugee for Waiver of Grounds of Excludability.

Continued on next page

Note to CSR: If the customer is inadmissible to the United States and seeking: (1) a nonimmigrant visa outside the United States at a U.S. Embassy or consulate or (2) T or U nonimmigrant status, read the following paragraphs:

Applicants for nonimmigrant visas should consult with the U.S. Embassy or consulate where their nonimmigrant visas are being processed about waivers of inadmissibility that will allow them to be temporarily admitted into the United States as a nonimmigrant.

Individuals seeking to be admitted to the United States in T and U nonimmigrant visa status may apply for a waiver of inadmissibility on the Form I-192, Application for Advance Permission to Enter as Nonimmigrant.

Note to CSR: If the customer is seeking LPR status based on Legalization, SAW, LIFE Act Legalization, and Legalization Class Settlement Agreements, read this paragraph:

Applicants applying for adjustment of status based on Legalization, the Seasonal Agricultural Worker program (SAW), the LIFE Act, or pursuant to a legalization class action settlement agreement can apply for a waiver on Form I-690, Application for Waiver of Grounds of Inadmissibility under Sections 245A or 210 of the Immigration and Nationality Act.

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Unit 1 Form I-601, Application for Waiver of Grounds of Inadmissibility Frequently Asked Questions

What is the purpose of the Form I-601?

Who may file the Form I-601?

For which grounds of inadmissibility may I seek a waiver by using Form I-601?

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What is the purpose of the Form I-601?

An alien who is ineligible to be admitted to the United States as an immigrant or to adjust status in the United States, and certain nonimmigrant applicants who are inadmissible, must file this form to seek a waiver of certain grounds of inadmissibility.

Who may file the Form I-601?

- An applicant who is outside the United States who has had a visa interview with a consular officer and was found inadmissible.
- Any applicant for adjustment of status
- K-1 or K-2 nonimmigrant visa applicant
- K-3 or K-4 nonimmigrant visa applicant
- V nonimmigrant visa applicant
- Temporary Protected Status (TPS) applicant
- Nicaraguan Adjustment and Central American Relief Act (NACARA) applicant
- Haitian Refugee Immigrant Fairness Act (HRIFA) applicant
- Violence Against Women Act (VAWA) self-petitioner
- T nonimmigrant visa holder filing for adjustment of status who is inadmissible by reason of a ground that has not already been waived in connection with the T nonimmigrant status

For which grounds of inadmissibility may I seek a waiver by using Form I-601?

- Health-related grounds
- Certain criminal grounds
- Immigrant Membership in the Totalitarian Party
- Immigration fraud or misrepresentation, excluding false claims to U.S. citizens
- Smugglers and being subject of civil penalty
- The 3-year or 10-year bar for being unlawfully present in the United States
- Certain grounds of inadmissibility, if filed by an applicant for TPS
- Aliens previously removed and unlawfully present after previous immigration violations, if filed by a NACARA or HRIFA adjustment applicant
- Unlawfully present after previous immigration violations, if filed by a VAWA self-petitioner

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Unit 2 Form I-601A Provisional Unlawful Presence Waiver Frequently Asked Questions

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Section 1 I Want to Know Who May File a Provisional Unlawful Presence Waiver.

- Can I file a Form I-601A, Application for Provisional Unlawful Presence Waiver, from outside the United States?
- Is there an age requirement for filing a Form I-601A, Application for Provisional Unlawful Presence Waiver?
- If I am the beneficiary of an approved petition classifying me as a preference relative, can I file a Form I-601A, Application for Provisional Unlawful Presence Waiver?
- Can I file a Form I-601A, Application for Provisional Unlawful Presence Waiver, prior to paying the immigrant visa processing fee to the Department of State?
- Can I file a Form I-601A, Application for Provisional Unlawful Presence Waiver, if I believe I am or will be inadmissible on multiple grounds or on a ground other than unlawful presence?

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Can I file a Form I-601A, Application for Provisional Unlawful Presence Waiver, from outside the United States?

No, you must be physically present in the United States at the time of filing and you must be physically present to provide your biometrics that are required as part of the provisional unlawful presence waiver request.

Is there an age requirement for filing a Form I-601A, Application for Provisional Unlawful Presence Waiver?

You must be at least 17 years of age at the time of filing. Unlawful presence does not begin accruing until an individual turns 18. However, due to the Department of State processing times and the scheduling of the immigrant visa interview, DHS has decided to allow individuals the option to file the waiver at age 17.

If I am the beneficiary of an approved petition classifying me as a preference relative, can I file a Form I-601A, Application for Provisional Unlawful Presence Waiver?

No, you must be a beneficiary of an approved petition classifying you as an immediate relative of a U.S. citizen. Eventually, once necessary guidelines and regulations are issued, this may become available to certain preference relatives.

Can I file a Form I-601A, Application for Provisional Unlawful Presence Waiver, prior to paying the immigrant visa processing fee to the Department of State?

No, you must have an immigrant visa case pending with the Department of State and must have already paid your immigrant visa processing fee.

Can I file a Form I-601A, Application for Provisional Unlawful Presence Waiver, if I believe I am or will be inadmissible on multiple grounds or on a ground other than unlawful presence?

No, you can only file an I-601A if you believe you are, or will be at the time of the immigrant visa interview, inadmissible based on having accrued a certain period of unlawful presence in the United States.

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Section 2 I Want to Know Who is Ineligible to Receive a Provisional Unlawful Presence Waiver

- If I have a Form I-485, Application to Register Permanent Residence or Adjust Status pending, am I eligible for a Provisional Unlawful Presence Waiver?
- If I am in removal proceedings, am I still eligible for a Provisional Unlawful Presence Waiver?
- If I have been ordered removed, excluded, or deported from the United States, am I eligible for a Provisional Unlawful Presence Waiver?
- If I am subject to reinstatement of a prior removal order, am I still eligible for a Provisional Unlawful Presence Waiver?
- If I have already been scheduled by the Department of State for an immigrant visa interview, am I still eligible for a Provisional Unlawful Presence Waiver?
- If I cannot establish that the refusal of my admission will result in extreme hardship to my U.S. citizen spouse or parent, am I still eligible for a Provisional Unlawful Presence Waiver?
- If there is a possibility that I may be found inadmissible under other grounds of inadmissibility, will my provisional unlawful presence waiver application still be approved?

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If I have a Form I-485, Application to Register Permanent Residence or Adjust Status pending, am I eligible for a Provisional Unlawful Presence Waiver?

No, individuals with pending applications for adjustment of status are not eligible for a provisional unlawful presence waiver. An adjustment of status applicant who is inadmissible needs to file Form I-601, Application for Waiver of Grounds of Inadmissibility. You can only seek a provisional unlawful presence waiver if you are an immediate relative (spouse, child, parent, or widow/widower) of a U.S. citizen, you are or will be inadmissible solely because of your unlawful presence in the United States, and you have an immigrant visa case pending with the Department of State for immigrant visa processing.

If I am in removal proceedings, am I still eligible for a Provisional Unlawful Presence Waiver?

No, if you are in removal proceedings, you are not eligible for a provisional unlawful presence waiver unless your removal proceedings are administratively closed and have not been placed back on EOIR's calendar to continue the removal proceedings as of the date of filing the I-601A.

If I have been ordered removed, excluded, or deported from the United States, am I eligible for a Provisional Unlawful Presence Waiver?

No, you are not eligible if you are subject to an administrative final order of removal, exclusion, or deportation from the United States.

If I am subject to reinstatement of a prior removal order, am I still eligible for a Provisional Unlawful Presence Waiver?

No, you are not eligible if are subject to reinstatement of a prior final order of removal.

If I have already been scheduled by the Department of State for an immigrant visa interview, am I still eligible for a Provisional Unlawful Presence Waiver?

Whether you are eligible for a provisional unlawful presence waiver depends on when DOS initially acted to schedule your immigrant visa interview.
If the Department of State initially acted prior to January 3, 2013 to schedule your immigrant visa interview for the approved immediate relative petition upon which your Form I-601A is based, then, you are not eligible for a provisional unlawful presence waiver. The actual date and time that you are scheduled to appear for your immigrant visa interview is not the date USCIS will use to determine if you are eligible to file a Form I-601A. USCIS will use the date DOS initially acted to schedule your immigrant visa interview for the approved immediate relative petition upon which your Form I-601A is based.
If DOS initially acted before January 3, 2013 to schedule you for your immigrant visa interview, you are not eligible for a provisional unlawful presence waiver, even if you failed to appear for your interview or you or DOS cancelled the interview, or requested that the interview be rescheduled to a date on or after January 3, 2013.

If DOS initially acted on or after January 3, 2013 to schedule your immigrant visa interview for the approved immediate relative petition upon which your Form I-601A is based, then you may be eligible for a provisional unlawful presence waiver provided that you meet all other requirements. See the DOS www.immigrantvisas.state.gov webpage for more information.

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If I cannot establish that the refusal of my admission will result in extreme hardship to my U.S. citizen spouse or parent, am I still eligible for a Provisional Unlawful Presence Waiver?

No, you must be able to establish extreme hardship to a U.S. citizen spouse or parent.

If there is a possibility that I may be found inadmissible under other grounds of inadmissibility, will my provisional unlawful presence waiver application still be approved?

No, if USCIS has *reason to believe* the Department of State (DOS) may find you inadmissible at the time of your immigrant visa interview based on a ground of inadmissibility other than unlawful presence, your case will be denied.

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Section 3 I Have Questions About the Application Process.

- How do I apply for the provisional unlawful presence waiver?
- Will I have to be fingerprinted or appear for an interview as part of the provisional unlawful presence waiver process?
- Will I use the current Form I-601, Application for Waiver of Grounds of Inadmissibility to apply for a provisional unlawful presence waiver?
- What documents will I be required to file with my application for a provisional unlawful presence waiver?
- Can I apply for the provisional unlawful presence waiver if I am in removal proceedings?

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How do I apply for the provisional unlawful presence waiver?

You apply for a provisional unlawful presence waiver by filing the Form I-601A, Application for Provisional Unlawful Presence Waiver. Make sure your application is complete, signed, and submitted with the correct application and biometric fees. Follow the I-601A application instructions and check the USCIS web site at www.uscis.gov/forms for any updates to the instructions or required fees.

Will I have to be fingerprinted or appear for an interview as part of the provisional unlawful presence waiver process?

All provisional unlawful presence waiver applicants are required to appear at a USCIS Application Support Center for biometrics collection. Generally, USCIS does not require provisional unlawful presence waiver applicants to appear for an interview but may schedule an interview for an applicant if the facts in a particular case warrant further inquiry and review.

Will I use the current Form I-601, Application for Waiver of Grounds of Inadmissibility to apply for a provisional unlawful presence waiver?

No. USCIS developed a new form for the provisional unlawful presence waiver process – Form I-601A, Application for Provisional Unlawful Presence Waiver.

What documents will I be required to file with my application for a provisional unlawful presence waiver?

The Form I-601A and its instructions describe the types of documents you need to submit with your provisional unlawful presence waiver application. Failure to follow the instructions on the form, including but not limited to the failure to submit required documentation, may result in your application being rejected or denied.

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Can I apply for the provisional unlawful presence waiver if I am in removal proceedings?

Only certain individuals in removal proceedings are eligible for a provisional unlawful presence waiver. Individuals who are immediate relatives of U.S. citizens may be eligible for a provisional unlawful presence waiver while in removal proceedings, if the removal proceedings:

- Are administratively closed; **and**
- Have not been placed back on EOIR's calendar to continue the removal proceedings as of the date of filing the I-601A.

You still must meet all the requirements for the provisional unlawful presence waiver, including the requirement that you have an immigrant visa case pending with DOS and have already paid the immigrant visa processing fee.

Although you are in removal proceedings, the application for a provisional unlawful presence waiver is filed with USCIS. Include a copy of the administrative closure order with your application.

NOTE:

*If your I-601A is approved, your removal proceedings should be terminated or dismissed **before** you depart the United States to avoid delays in your immigrant visa processing and to avoid the risk that you may be found inadmissible on other grounds.*

After you receive an approval notice for your provisional unlawful presence waiver, you and/or your legal representative should contact the Principal Legal Advisor for the Office of the Chief Counsel at U.S. Immigration and Customs Enforcement (ICE) to make arrangements to have your removal proceedings terminated or dismissed. Do not contact ICE until after USCIS approves your Form I-601A. A list of the ICE Chief Counsel phone numbers is available on the internet at: http://www.ice.gov/contact/opla/. When you contact ICE, you should have a copy of your I-601A approval notice available for ICE's review.

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Section 4 I Have Questions About Filing Concurrent Applications or for Related Benefits.

- Will I be able to file the provisional unlawful presence waiver application concurrently with my Form I-130 or Form I-360?
- Will I be able to file the provisional unlawful presence waiver application concurrently with my Form I-212, Application for Permission to Reapply for Admission into the United States after Removal?
- If I get a provisional unlawful presence waiver, can I adjust my status without leaving the United States?
- If I have a pending request for a provisional unlawful presence waiver or if I receive an approved provisional unlawful presence waiver, will I be able to work, travel, or receive any other interim benefits?

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Will I be able to file the provisional unlawful presence waiver application concurrently with my Form I-130 or Form I-360?

No. You must have an approved immediate relative petition to apply for the provisional unlawful presence waiver.

Will I be able to file the provisional unlawful presence waiver application concurrently with my Form I-212, Application for Permission to Reapply for Admission into the United States after Removal?

No. Aliens who must request permission to reenter the United States after removal are not eligible for the provisional unlawful presence waiver. USCIS will not accept concurrent filings of the Form I-601A and Form I-212.

If I get a provisional unlawful presence waiver, can I adjust my status without leaving the United States?

No. If USCIS approves your provisional unlawful presence waiver application, you are still required to leave the United States to attend your immigrant visa interview with a DOS consular officer in order for the waiver to take effect and for you to be granted an immigrant visa (if eligible).

If I have a pending request for a provisional unlawful presence waiver or if I receive an approved provisional unlawful presence waiver, will I be able to work, travel, or receive any other interim benefits?

No. The filing or approval of a provisional unlawful presence waiver will not affect your current immigration status in the United States. A pending or approved provisional waiver also will NOT:

- Provide interim benefits such as employment authorization or advance parole;
- Provide a lawful status;
- Stop the accrual of unlawful presence;
- Provide protection from removal;
- Remove the requirement to depart the United States to seek an immigrant visa; or
- Guarantee immigrant visa issuance or admission to the United States.

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Section 5 I Have Questions about Consular Processing

- If I have already filed a Form I-601, Application for Waiver of Grounds of Inadmissibility from outside the United States, will I be able to apply for a provisional waiver?
- What will happen at my consular interview if I present an approved provisional unlawful presence waiver?
- What will happen at the consular interview if I present an approved provisional unlawful presence waiver but the consular officer determines I have other grounds of inadmissibility?

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If I have already filed a Form I-601, Application for Waiver of Grounds of Inadmissibility from outside the United States, will I be able to apply for a provisional waiver?

No. The provisional unlawful presence waiver process only applies to individuals who are physically present in the United States. If you have already filed your Form I-601 from outside the United States, it means that you have already attended your immigrant visa interview and that a consular officer determined that you are inadmissible to the United States and ineligible for the immigrant visa unless your Form I-601 application is approved. You should wait for USCIS's decision on your Form I-601.

In addition, under certain circumstances, if an individual who is found inadmissible based on the unlawful presence bars or for other reasons, reenters the United States without being inspected and admitted or paroled, that individual may be ineligible for future immigration benefits, including a provisional unlawful presence waiver.

What will happen at my consular interview if I present an approved provisional unlawful presence waiver?

DOS must determine whether you are admissible to the United States and eligible for an immigrant visa. If the DOS consular officer determines that you are otherwise admissible to the United States, in light of the approved Form I-601A, DOS will issue you an immigrant visa. The provisional unlawful presence waiver becomes permanent once the consular officer determines that you are eligible for the immigrant visa and issues you an immigrant visa.

What will happen at the consular interview if I present an approved provisional unlawful presence waiver but the consular officer determines I have other grounds of inadmissibility?

If the consular officer determines that you are subject to other grounds of inadmissibility, the approved provisional unlawful presence waiver is automatically revoked. However, you may still file a Form I-601, Application for Waiver of Grounds of Inadmissibility, with USCIS after your immigrant visa interview to request a waiver of grounds of inadmissibility, if available at that time.

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Section 6 I Have Questions About the Consequences of a Decision

- What should I do once a decision is made on my provisional unlawful presence waiver?
- If USCIS denies my request for a provisional unlawful presence waiver, can I file an appeal or a motion to reopen or reconsider?
- What can I do if USCIS denies my request for a provisional unlawful presence waiver or if I withdraw my provisional unlawful presence waiver application before USCIS makes a decision?
- Will USCIS use information provided in my request for a provisional unlawful presence waiver to place me in removal proceedings?
- What happens to an approved provisional unlawful presence waiver if I reenter the United States illegally?

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What should I do once a decision is made on my provisional unlawful presence waiver?

USCIS will notify the National Visa Center (NVC) of its decision on your provisional unlawful presence waiver. Once the NVC is notified, DOS will resume processing your immigrant visa case. If the NVC has received the required forms and documents from you, the immigrant visa interview is scheduled at the U.S. embassy or consulate, and you are notified of your interview appointment date. Next, if you are in removal proceedings, review the information above applying for a provisional unlawful presence waiver if you are in removal proceedings. If you are not in removal proceedings or your removal proceedings have already been terminated or dismissed, you will need to depart the United States and attend your immigrant visa interview as directed by DOS. If you fail to depart and attend your immigrant visa interview, the provisional unlawful presence waiver will not take effect and the approval may no longer be valid.

If USCIS denies my request for a provisional unlawful presence waiver, can I file an appeal or a motion to reopen or reconsider?

No. If USCIS denies your request for a provisional unlawful presence waiver, you cannot file an appeal or a motion to reopen or reconsider the denial. USCIS reserves the right to reopen and reconsider, on its own motion, an approval or a denial of a provisional unlawful presence waiver at any time.

What can I do if USCIS denies my request for a provisional unlawful presence waiver or if I withdraw my provisional unlawful presence waiver application before USCIS makes a decision?

If USCIS denies your request for a provisional unlawful presence waiver, or if you withdraw your provisional unlawful presence waiver application before USCIS makes a decision, you may file a new Form I-601A, in accordance with the form instructions, with the required fees and any additional documentation that you believe establishes your eligibility for the waiver. You can only file a new provisional unlawful presence waiver application if your immigrant visa case is still pending with DOS.

Alternatively, you can file a Form I-601, Application for Waiver of Grounds of Inadmissibility with the USCIS Lockbox, after you attend your immigrant visa interview and after the DOS consular officer determines if you are inadmissible to the United States.

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Will USCIS use information provided in my request for a provisional unlawful presence waiver to place me in removal proceedings?

USCIS does not envision initiating removal proceedings or referring provisional unlawful presence waiver applicants to ICE when USCIS approves or denies their requests, or if the applicant withdraws his or her application for a provisional unlawful presence waiver.

Pursuant to its existing policy governing issuance of Notices to Appear (NTAs) and referrals to ICE, if your request for a provisional unlawful presence waiver is approved or denied or you withdraw the Form I-601A prior to final adjudication will typically be referred to ICE only if you are considered a DHS enforcement priority – that is, an individual with a criminal history, who has committed fraud, or otherwise poses a threat to national security or public safety.

USCIS will follow the DHS/USCIS NTA issuance policy in effect at the time of the adjudication to determine if removal proceedings should be initiated against a provisional unlawful presence waiver applicant. Furthermore, if USCIS discovers acts, omissions, or post-approval activity that would meet the criteria for NTA issuance or determines that the provisional unlawful presence waiver was granted in error, USCIS may issue an NTA, consistent with DHS/USCIS NTA issuance policy, as well as reopen the provisional unlawful presence waiver approval and deny the waiver request. See USCIS Policy Memorandum, Revised Guidance for the Referral of Cases and Issuance of Notices to Appear (NTAs) in Cases Involving Inadmissible and Removable Aliens (November 7, 2011).

What happens to an approved provisional unlawful presence waiver if I reenter the United States illegally?

Illegal reentry (entry without being inspected and admitted or paroled) into the United States any time before your immigrant visa is issued will automatically revoke your approved provisional unlawful presence waiver.

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Section 7 I Want to Know the Definition of Terms Related to the Provisional Unlawful Presence Waiver

- Why does USCIS refer to the unlawful presence waiver as "provisional"?
- Will the provisional unlawful presence waiver process affect existing standards for unlawful presence and how USCIS determines extreme hardship?
- How long will an approved provisional unlawful presence waiver be valid?

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Why does USCIS refer to the unlawful presence waiver as "provisional"?

USCIS refers to the waiver as "provisional" because it will not take effect until after the applicant departs the United States, appears for his or her immigrant visa interview, and DOS determines that, in light of the approved I-601A, the applicant is otherwise admissible to the United States and eligible for an immigrant visa.

Will the provisional unlawful presence waiver process affect existing standards for unlawful presence and how USCIS determines extreme hardship?

No. The provisional unlawful presence waiver process will not alter how USCIS determines if an individual qualifies for a waiver of a ground of inadmissibility or how it determines extreme hardship. However, to be eligible for a provisional unlawful presence waiver you must be an immediate relative and establish that the refusal of your admission to the United States would result in extreme hardship to your U.S. citizen spouse or parent and that your application should be approved as a matter of discretion.

How long will an approved provisional unlawful presence waiver be valid?

An approved provisional unlawful presence waiver will remain valid unless:

- The underlying approved immigrant visa petition (I-130 or I-360) is revoked; or
- DOS terminates the applicant's immigrant visa registration;

Revocation of an approved immigrant visa petition automatically revokes an approved provisional unlawful presence waiver. The approved provisional unlawful presence waiver also will be automatically revoked if the consular officer determines that the applicant is inadmissible on a ground of inadmissibility other than unlawful presence, or if the applicant, at any time before or after approval of the provisional unlawful presence waiver or before an immigrant visa is issued, reenters or attempts to reenter the United States without being inspected and admitted or paroled.

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