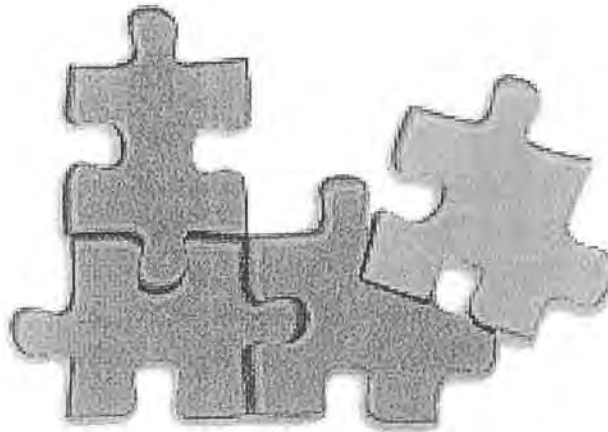


“Adjustment of Status:” Putting the Puzzle Together



This guide was prepared and updated by the staff of the Florence Immigrant & Refugee Rights Project and was written for immigrant detainees in Arizona who are representing themselves pro se in their removal proceedings. This guide is not intended to provide legal advice or serve as a substitute for legal counsel. The Florence Project is a nonprofit legal services organization and does not charge for its services to immigrant detainees in Arizona. This guide is copyright protected but can be shared and distributed widely to assist indigent immigrants around the country. All of our guides are available to download on our website: www.firrp.org. We kindly ask that you give credit to the Florence Project if you are adapting the information in this guide into your own publication.

***Note:** this packet was revised by the Northern California Collaborative for Immigrant Justice (NCCIJ) and contains several content updates; pages 14.a. and 14.b have been added or modified and some of the Appendix information has been replaced with updated information [May 1, 2018]

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Important Words to Know

Immigration Law has a lot of technical words. Here's a list of some of the words you'll see a lot in this guide and an short explanation of what they mean.

- **Immigration Judge ("Judge"):** this is the person who will make a decision about your case. He or she holds hearings in the courtroom and wears a black robe. This person doesn't work for ICE. It's her job to look at the facts of your case and apply the law fairly.
- **Immigration and Customs Enforcement ("ICE"):** this is the agency that has put you in deportation proceedings and is in charge of detaining you. ICE is part of the Department of Homeland Security, or "DHS."
- **Government Attorney:** this is the lawyer who represents ICE when you go to your court hearings. He or she sits at the table next to you and also talks to the Judge. It's usually this attorney's job to ask the Judge to order you deported.
- **Deportation:** ICE has put you in deportation proceedings, which are also called "removal proceedings." If the Judge orders you deported or "removed" from the United States, you will be sent back to the country where you are a citizen and will not be able to return legally to the U.S. for at least ten years.
- **The Florence Project:** this is a group of lawyers and legal assistants who provide free legal help to people without lawyers. The Florence Project wrote this guide to help you understand your case.

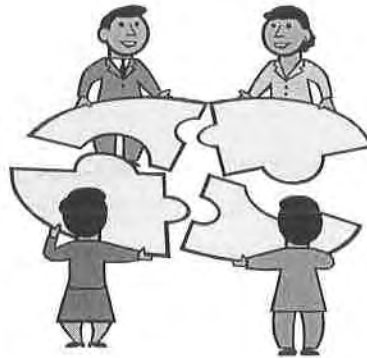
1. Introduction

A lot of people who come to the United States hope to get legal permanent residency, also called a green card. One common way to become a permanent resident is to have a family member who is a US citizen or permanent resident apply for you.



The process of applying to be a permanent resident is called “Adjustment of Status.” This is a guide to help people in detention with the “Adjustment of Status” process. There are some very tricky parts to an “Adjustment of Status” case, especially while you’re detained.

Sometimes, applying for “Adjustment of Status” is like putting all the pieces of a difficult puzzle together. This guide will help you figure it out. We’ll do our best to explain who can apply for “Adjustment of Status,” how to put your application together, and some common mistakes to avoid when applying.



2. What is Adjustment of Status?

“Adjustment of Status” is the process of becoming a lawful permanent resident in the United States.

There are a few ways to adjust status, but most adjustments while in removal proceedings are through family members. This happens if you have U.S. citizen or lawful permanent resident family member who applied for a visa for you AND the visa is now available to you.

Most people apply for “Adjustment of Status” before the United States Citizenship and Immigration Services (“USCIS”). That is an agency of the federal government in charge of processing immigration applications. But, because ICE has put you in deportation proceedings, you need to apply for “Adjustment of Status” in Immigration Court, before the

Immigration Judge. You may need to send some of your documents to USCIS and some to the Judge. We'll give you instructions below, so watch out!

Remember, "Adjustment of Status" cases can be really complicated. If you have questions about your case, try to talk to an attorney if that is an option for you.

a. What is a Visa?

If you have:

- a spouse or parent who is a permanent resident or
- a spouse, child over 21, parent, or brother or sister who is a U.S. citizen,

then those family members may be able to apply for a visa for you. But, don't break out the champagne to celebrate quite yet!

If you are trying to get your green card through your U.S. citizen spouse or your U.S. citizen child who is over 21, then you CAN celebrate since there is no limit to the number of visas for people in your situation and you should be able to apply for a green card in front of the Immigration Judge IF you meet all of the other requirements discussed below. The same is true if *you* are under 21 years old, and your parent is a U.S. citizen.

For everyone else, your family member's application only gets you a spot in the line of people waiting for visas. Depending on the category you and your family member fall in, it could be more than a 15-year wait before you reach the front!



If someone in your family applied for a visa for you a long time ago, it's worth checking to see where you are in the line of people waiting for visas. Every month, the US government puts out an updated list called the "visa bulletin." It's available at http://travel.state.gov/visa/bulletin/bulletin_1360.html, or you can

search online for “visa bulletin.” When you find the current version, look carefully to figure out which category you are in. Then, compare the date that they are processing right now with the “priority date” that’s listed on your visa approval form. If the date on your form is earlier than the date on the visa bulletin, that means that your visa date is current and that you may be able to apply to adjust your status.

b. Visas for Immediate Relatives

If you have:

- a U.S. citizen husband or wife,
- you are under 21, unmarried, and have a U.S. citizen parent, or
- you have a U.S. citizen child who is over 21,

then you won’t need to worry about waiting in line for a visa. Because of your relationship with your U.S. citizen family member, there is a visa available to you now. But, you your family member still needs to go through the process of applying for a visa, described below. If you haven’t filed the I-130 form, do it as soon as possible! You’ll need that to get started with your “Adjustment of Status” case.

c. How Can My Family Member File an I-130 While I’m Detained?

If your relative would like to apply for a visa for you, he or she will need to submit an I-130 form to Citizenship and Immigration Services, also called “USCIS.”

A short guide that includes a link to the I-130 form is available at <http://www.uscis.gov/i-130>



In order to file the I-130, your family member will need two passport-sized photos of you. Ask at the detention center if someone in the commissary can take them for you. If not, see if your family has a picture that they could cut into the passport size.

The family member applying for the visa for you will need to send proof that he’s a U.S. citizen or permanent resident. A copy of his

passport or green card will do.

The person applying for you will also need to send in proof of your relationship, like a marriage certificate (for husbands and wives) or a birth certificate (for parents and children). Remember, all of the documents need to be translated into English.

Your family member will also need to pay a fee to file your I-130. It costs a few hundred dollars—check the USCIS website for the exact amount. Your family member will need to send a check or money order to the “U.S. Department of Homeland Security”—make sure to use those exact words, no abbreviations!

When your family member gets the I-130 approval notice in the mail, they’ll need to make a copy and send it to you as soon as possible. You’ll be turning it into the Judge.

c. What if I have a U.S. citizen girlfriend or boyfriend and I want to get married at the detention center? Could that help stop my deportation?

It’s possible. A wedding at the detention center may not be your idea of romance. But, if you and your partner can show that you have a genuine relationship and that you’re not getting married only to get your immigration papers sorted out, you may be able to get married at the detention center and adjust your status to prevent your deportation.



Ask in person or write a request letter to the detention center’s chaplain to see if he will perform the ceremony. You’ll also need to get a marriage license. Each detention center has different rules, so check first if you want your family to come. Make sure that you have someone there who can take pictures—you’ll need those for your application.

Once you’re married, your husband or wife can file the I-130 visa petition with USCIS. Take a look at the instructions in the section above.

Because you are in deportation proceedings, you'll also need to send evidence that your marriage is based on love, not just a hope to get a green card.

How can you prove that you married for love? Ask your partner to look for evidence like:

- Birth certificates of children that you have together
- Pictures of you together, over a long period of time
- Copy of marriage certificate
- Letters from people who know you and can describe your relationship
- Love notes between you and your partner
- Receipts for gifts of engagement rings
- Proof that you have shared an address with your partner—bills in both your names, rent receipts, etc.

Once you've gathered all the evidence, you'll need to send your I-130 packet to USCIS. Write a short letter with your name and A-number along with a list of the proof that you're sending to show them you're your marriage was based on love. USCIS will send the person who applies a receipt when they get the packet and a notice when it is approved.



3. What else is required for me to adjust my status in the United States before the Immigration Judge?

In order to have your application for “Adjustment of Status” granted, there are several other requirements. They include:

- **No serious criminal history or drug abuse**

Immigration law says that you can't become a permanent resident if you have certain criminal convictions or if you admit to committing certain crimes. The most problematic criminal convictions are drug offenses. Except for simple possession of



marijuana or marijuana paraphernalia, drug crimes will make you totally ineligible for adjustment of status and no pardon is available.

In other cases, you may be able to ask the Immigration Judge to pardon a crime in your record. In order to get the waiver, you'll have to show that your U.S. citizen or permanent resident spouse, child, or parent would have a lot of difficulties if you were deported. The waiver is also available if the conviction is more than 15 years old and you have been rehabilitated. If you have a conviction, make sure to ask whether a waiver would be available for it.

- **A sponsor**

If you are applying for "Adjustment of Status" through your family, you'll also likely need a sponsor. That person must meet certain income requirements and must agree to help you with money if you have troubles once you become a permanent resident. The income requirements change each year. To find the most up-to-date list, ask the the Immigration Judge for form I-864P. It's also available online at <http://www.uscis.gov/files/form/i-864p.pdf>. If there's not a person in your family who makes enough money, you will need to find a co-sponsor--a friend, acquaintance, or other family member—to sponsor you as well.

- **Manner of entry and/or date on your visa petition**

To adjust your status, you'll need to show that you entered the U.S. legally. If you entered without papers, you can only adjust your status before the Immigration Judge if your relative put in a petition before April 30, 2001. To find out the date of your petition, take a look at the "Approval Notice" that your relative received and the "Priority Date" in the top left hand corner. If you came without papers and your petition is from before April 30, 2001, then you should be able to apply for adjustment of status while in the United States so long as you meet all of the other requirements in this guide.

Don't Despair! If you came to the United States without papers and your application was filed after April 30, 2001, then you might still be able to apply for your green card through the embassy or the consulate in your

country of origin. The process for applying at the embassy or consulate is beyond the scope of this guide, but please know that voluntary departure is better than deportation if you are going to apply for a visa at the consulate or the embassy.

a. Paying your 245(i) fees

If you came without papers and you have an application from before April 30, 2001, then you are applying under a section called “245(i)”. You’ll need to send a \$1000 fine to USCIS. Section 245(i) is for people who entered the U.S. illegally and have a visa petition approved before April 30, 2001. If you’re not applying under that section, you do not need to send that money.



If you are applying for “Adjustment of Status” under section 245(i) of the immigration law, you will need to send a the \$1000 fine to USCIS **before** the Immigration Judge can consider your application.

You will need to send a personal check or money order made out to the U.S. Department of Homeland Security. Watch out! Don’t write “DHS” or another abbreviation—the check has to be made out exactly to the “U.S. Department of Homeland Security.” Although you can use a money order, we recommend using a personal check so that you can watch your account and know when the money was withdrawn. You’ll also need to send copies of your I-485 application, a fee waiver that’s been approved by the Immigration Judge, and proof that you’re detained and in deportation proceedings. **Check at the end of this guide for more directions on what documents to send and where to send them.** You’ll get a receipt from USCIS in the mail—hold on to that because you’ll need to give it to the Immigration Judge!

- **A medical exam**

The law requires that you have a medical exam before the Judge can grant your application for permanent residency. Write to your Deportation Officer and let him know that you need to arrange an appointment. He can give you the names of the doctors close to the detention center who do these exams and can arrange for your transportation there. These exams usually cost a few hundred dollars. The doctor will fill out an I-693 form for you. If he gives it to you after the exam, **make sure to keep it sealed and in a safe place. Only the Judge should open it.**



- **The Judge's good opinion of you**

Finally, you'll also need to convince the Immigration Judge that you deserve to be a permanent resident of the U.S. You'll do that by gathering evidence that you've been a good member of the community during your time in the United States. You could also show that your deportation would cause a lot of difficulties for your family members. Try and gather documents that prove these things, like letters from friends or people you work with. A longer list of documents you can gather to show the difficulties your family will face is at the end of this guide.

4. Going to Court

a. Your first court hearings

First, let's talk about the basics of immigration court. If you feel confused about court, you're not alone! Immigration law is complicated, even for lawyers. Let's figure out who is going to in court and what's going to happen in your first hearings.



- The Judge will be at the front of the room and will ask you questions. He will be dressed

like the man on the left. The Judge will be making the decision about your case so it's important to be respectful, polite, and prepared.

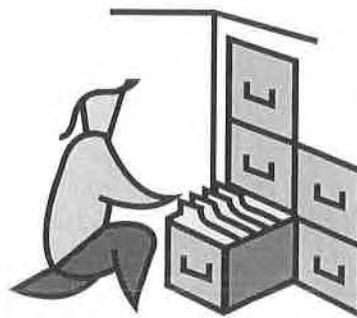
- A government attorney. When you go to court, a lawyer representing ICE will be there. He's called the government attorney. His job is to represent ICE and try to get an order of deportation against you.
- An interpreter. Don't worry if you don't speak English—an interpreter will be there in person or over the phone. Just make sure you speak up and tell the Judge that you don't speak or understand English well and need an interpreter.

The first few hearings that you'll go to will be "master calendar" hearings. At those hearings, you'll be in court with a group of other detainees. At "master calendar" hearings, the Judge will check in with you about your case and see what you want to do. It isn't time yet to show her all your evidence of the reasons why you should stay in the country. If you want more time to talk to an attorney, the judge will give you a few weeks to do so. You'll then come back for another master calendar hearing.

When you come back to court, the Judge will ask you if you want to admit or deny the charges against you. That means that the Judge wants to know if you want to force ICE to prove the charges against you. If ICE says that you should be deported because of your criminal convictions, making them prove the charges against you can be an important step. To learn more about how to do that, read the Florence Project's guide on denying the charges against you.

Certain types of criminal convictions, even for pretty minor crimes, can affect your case for "Adjustment of Status," so it's very important to figure out as early as possible whether you have a crime that disqualifies you from adjusting your status.

The government has access to your *entire*



criminal record and you could lose a lot of money and time in detention trying to apply for “Adjustment of Status” if you have a conviction that makes you totally ineligible to apply. The Judge and the government sometimes don’t realize until the day of your final hearing that there is a problem with your record. So, ask the Judge and try to find out as early as possible whether any of your crimes might make it impossible for you to apply for a green card.

b. Eligibility for “Adjustment of Status”

If the Judge decides that at least some of the charges against you are correct, she’ll then ask you questions to figure out if you are eligible for “Adjustment of Status.” She’ll ask questions to make sure you meet the requirements to apply. If the Judge agrees that you are eligible to present your case for “Adjustment of Status” to her, she’ll give you a copy of the applications. Remember, just because the Judge says you’re eligible for “Adjustment of Status” does not mean that you’ve won your case! It means that the Judge thinks that you’ve met the basic requirements and is giving you a chance to apply.

c. Filling out and turning in the application

Before your final hearing, you’ll come back to court for one more “master calendar” hearing to turn in your application for “Adjustment of Status.” It’s important that you fill out the application completely so that the Judge will accept it and schedule a final hearing for you to present all your evidence of hardship.



A short guide on how to fill out your application is at the end of this packet. **When you’ve completed the application, make two extra copies and bring them to court with you. The original will go to the Judge. Another copy will go to ICE and you’ll keep a copy for yourself.** This is important, so don’t forget!

These are the forms that you and your family will need to fill out and turn in for your "Adjustment of Status" application.

- Copy of your I-130 Approval Notice
- **You** fill out: Adjustment of Status, I-485, <http://www.uscis.gov/i-485.pdf>
- [REDACTED] [NCCIJ Revision 5/1/18
Please see next page]
- **Your** family member who applied for you fills out: Sponsor Agreement, I-864 <http://www.uscis.gov/files/form/i-864.pdf>
- **Doctor** fills out: Medical Exam www.uscis.gov/files/form/i-693.pdf
- **Family or Friend** fills out: Co-Sponsor Agreement, I-864A (if necessary) www.uscis.gov/files/form/i-864a.pdf
- **You** fill out: Waiver of Inadmissibility, I-601 (if necessary) www.uscis.gov/i-601

Once you turn in your application, the judge will give you a date for a final hearing. At this hearing, you'll appear without a group of detainees. The hearing will last a few hours. This hearing will be your opportunity to present your case to the Judge.



Supplement by the California Collaborative for Immigrant Justice (CCIJ)

***You** fill out:

- ✓ In all cases: **Adjustment of Status, I-485**. You will submit the form to the judge and pay the fee to the U.S. Department of Homeland Security.
- ✓ *In marriage based petitions:*, **Supplemental Information for Spouse Beneficiary, I-130A**. In previous years, form G-235A was required—as of April 2017, only an I-130A is required.
- ✓ *In cases in which people entered the U.S. without admission or parole (hidden) that is based on exemption 245(i) because of a petition pending from April 30, 2000 or before,* **submit: Adjustment of Status Under 245(i), Form I-485 Supplement A**, and an extra fee of \$1,000.00.
- ✓ *In certain cases, the judge may require that you request an exemption,* related to a crime or criminal background. In a family based petition you must submit: **Application for Waiver of Grounds of Inadmissibility, Form I-601**. You will submit the form to the judge and pay the fee to the U.S. Department of Homeland Security.

→ **Requirements for I-601 exemption:**

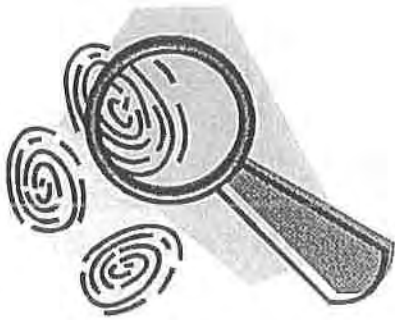
- ☐ Demonstrate that you deserve an exemption (that in your case, the favorable factors¹ weigh more than the negative ones²) and

¹ Favorable factors can include, among other things, family and community ties, difficulties for you and your family members who reside in the U.S. legally, evidence of meeting your responsibilities as a family member and that you have good moral character, rehabilitation, and employment history (this includes tax returns if they contain a valid ITIN or Social Security Number)

² Negative factors can include, among other things, criminal background, illicit behavior, repeated violations of the laws of immigration, and history of fraud to obtain public benefits

- ☐ That you have a spouse, child, or parent who is a citizen or permanent resident of the U.S., and that that person will go through many difficulties if you were deported [or otherwise, that the crime is more than 15 years old and you have rehabilitated]

5. Gathering Evidence



Start gathering evidence as soon as you decide that you want to apply for "Adjustment of Status." You'll need proof to convince the Judge that you deserve the opportunity to become a permanent resident of the United States. If you need to apply for a waiver, you'll also need proof of the hardship that your deportation would cause your U.S. citizen or LPR family members.

Ask friends and family members to write letters of reference for you. Give the Judge pictures of your family and you spending time together. Make sure you have proof that you have work here, too. Make a list of all

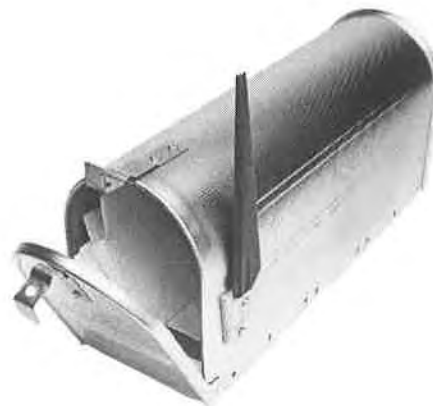
the reasons why your family members would suffer if you were deported.

Take a look at the list of evidence in Appendix 3. This will give you ideas of what documents to gather. Many of these documents take time for your family to find and to mail to you. We know it's not easy to gather all of these documents while you're detained. Ask a trusted family member or friend to help you get these documents together. Make sure that he mails you **copies, not originals**, of these documents

Remember, all the documents you submit need to be in English. If you receive documents in another language, you can translate them. Just put your translation in with the original letter and attach a signed copy of the "Certificate of Translation" that's at the end of this packet.

Attach a signed and dated copy of "Certificate of Service" at the end of this packet to the last page of all your evidence. Then make two copies of all your evidence. Just like the application, the original will go to the Judge, a copy will go to the government attorney and you'll keep a copy for yourself. If you want to send the documents to the court before your final date, put a cover sheet with your name and A-number on top. Then put the packets in envelopes.

One should say "To the Immigration Judge" and the other should say "To ICE Litigation." Ask detention staff to make sure they are delivered or put them in the detention center's mailboxes that are delivered to the Judge and to ICE.



6. Preparing Your Testimony



At your final hearing, you'll have an opportunity to tell the judge why you think you should stay in the United States. Keep these tips in mind when practicing your testimony:

- **Be prepared.** Have copies of all your applications with you and be ready to convince the judge that you deserve to become a permanent resident. Write a list of the specific

reasons why your family would suffer if you were deported. Write them down on a piece of paper. For example, you'll need to explain how much your daughter's cancer treatment costs, how you take care of her when she's sick, how this treatment isn't available in your home country, and how you pay all the family's medical bills. Practice explaining them to a friend or a family member over the phone.

- **Be honest.** Your job is to tell the Judge about the circumstances of your life. If you have criminal convictions and the Judge asks you about them, tell her what happened. Lying will just make things worse, and the Judge and the government attorney often have ways to figure out if you are lying.
- **Turn negatives into positives.** If you had a problem with drugs and alcohol in the past, explain how you've overcome those problems—did you go to AA meetings or complete a rehabilitation program? Tell the Judge about those things, too.
- **Don't be defensive.** Admitting that you made mistakes, even if that mistake was just coming to the U.S. without the proper documentation, can show the Judge that you are sorry. It can also show the Judge that you won't repeat those mistakes in the future.



- **Speak from the heart.** Judges see a lot of people every day. You can make your testimony stand out by speaking sincerely. Think of a funny story about your family to share. Think about a story that will show the judge how much your family needs you. Explain to the Judge why your deportation would hurt your family very much. Tell her about your plans for the future. Write all of these down on a piece of paper so you won't forget. Don't worry if you become nervous or emotional in court.

- **Ask your family members to testify in court.** Your family can come and tell the judge about the reasons why you should stay in the United States. Help your family member prepare by asking her

to list all the reasons why she would suffer if you were in another country. Make sure she practices and writes the reasons down to have with her in court. Your family members can also come and watch your final hearing to show the Judge that they support you. Remember, some of the detention centers won't let small children come to court.

- **Answer the Judge's questions.** The Judge may want to ask you some specific questions. A list of what she may ask is at the end of this guide. In addition to practicing your testimony, you should practice responses to those questions so you'll be prepared. Remember, be respectful when the judge speaks. Refer to the judge as "Your Honor," "Ma'am," or "Sir."

7. Weighing the Evidence: The Judge's Decision



In most cases, the Judge will give you her decision at the end of your final hearing. She'll tell you whether or not she'll approve your application for "Adjustment of Status." In other cases, the Judge may tell you that she wants more time to think about your case and will mail you a written decision in a few weeks.

There are a few possibilities for the Judge's decision:

- If the Judge approves your application and ICE does not want to appeal that decision, you'll likely be released the same day.
- If the Judge approves your application and ICE appeals that decision, you'll likely have to wait until the Board of Immigration Appeals gives you a final decision. That usually takes a few months.
- If the Judge denies your application, you have the option of appealing that decision and saying that the Judge was wrong. You'll need to tell the Judge at your final hearing that you want to appeal. She'll give you some paperwork that needs to be mailed within 30 days of her decision. Take a look at the Florence

Project's guide to appealing your case or schedule an appointment to talk with an attorney about your appeal.

8. Final Thoughts

As you can see, "Adjustment of Status" cases are often quite complicated. We hope that this guide will help you put all the pieces together. Best of luck with your case!

Appendix 1. Hardship Worksheet

Family Member 1

Think about your parents, husband or wife, and children. Who is a permanent resident of the US or a US citizen? _____

What documents will you gather to prove that person's citizenship or permanent residency? _____

Why would this person suffer if I were deported? _____

How is that hardship much more serious than what most people would experience?

Does this person have any medical conditions or disabilities? If so, what are they?

Is there any reason why this person could not care for himself or herself if I were deported? _____

If your relative is a child, why would it be impossible for him or her to with you to your country?

Does your child have any special needs in school? What are they?

Family Member 2

Think about your parents, husband or wife, and children. Who is a permanent resident of the US or a US citizen? _____

What documents will you gather to prove that person's citizenship or permanent residency? _____

Why would this person suffer if I were deported? _____

How is that hardship much more serious than what most people would experience?

Does this person have any medical conditions or disabilities? If so, what are they?

Is there any reason why this person could not care for himself or herself if I were deported? _____

If your relative is a child, why would it be impossible for him or her to with you to your country?

Does your child have any special needs in school? What are they?

Family Member 3

Think about your parents, husband or wife, and children. Who is a permanent resident of the US or a US citizen? _____

What documents will you gather to prove that person's citizenship or permanent residency? _____

Why would this person suffer if I were deported? _____

How is that hardship much more serious than what most people would experience?

Does this person have any medical conditions or disabilities? If so, what are they?

Is there any reason why this person could not care for himself or herself if I were deported? _____

If your relative is a child, why would it be impossible for him or her to with you to your country?

Does your child have any special needs in school? What are they?

Appendix 2. Filling Out Your Application

The Immigration Judge can provide you with a copy of the application for “Adjustment of Status” or you can also ask the Florence Project for a copy. See the section about filling out your application above for a list of the forms you need.

You must use a *pen or typewriter* to fill out the form. Do not use a pencil. If you are unsure about the answer to a question, that’s okay. For example, if you can’t remember all of your past addresses, write down as much as you know and indicate that you are guessing or might have missing or incorrect information. If a question does not apply to you, just put “N/A” in the box.

If there is not enough room on the form for you to answer a question completely, just continue your answer on another piece of paper.

The notes below will give you some tips for filling out each part of the application.

I-485

Part 1

- If you are detained, use the address for the detention center.

Part 2

- If you are applying through a family member and have an I-130 visa petition already approved, check box A.

Part 3

- If you entered the United States illegally, put “without inspection” in the box that asks how you last entered. Also check “no” for the question that asks if you were inspected by an immigration officer.

- List your spouse and all your children. If you need more room, use a separate sheet of paper with your name and A-number on top.
- **Part three contains a list of questions regarding your criminal history as well as whether you've gambled or been involved in prostitution. It's very important to talk to an attorney or the Florence Project before marking "yes" to any of these questions.**

Part 5

- Make sure to give the Immigration Judge the I-485 with your original signature, not a copy.

I-864

Part 1

- Put the name of the sponsor, not your name, in Part 1. If your sponsor is the person who filed the I-130 for you, check box 1a. If the person is a joint sponsor, he should check box 1d.

Part 2

- You are the "principal immigrant." Fill out the section with your biographical information.
- If you are detained, use the detention center's address as your own

Part 3

- If the sponsor is only sponsoring your application for "Adjustment of Status," don't fill out information about other family members.

Part 5

- The sponsor needs to count how many people are included in his household. He should include both children who live at home and anyone else who relies on his income, like elderly parents.

Part 6

- The sponsor should list his total annual income. Use a pay stub to calculate how much the sponsor makes or his annual income calculated on last year's taxes.
- If there are other people in the household who help with expenses, the sponsor can add their income to the total household income.
- The sponsor must promise that he filed income taxes for the last three years. **He needs to attach only last year's income tax return to the 864 form.**
- The sponsor should add up his income with any income from other members in the home. Then, he needs to compare his income and the number of people in his home with the federal poverty guidelines, found here: <http://www.uscis.gov/i-864p>
- If the sponsor's total income is below the amount on the federal guidelines, you'll need to get co-sponsor OR use the first sponsor's other assets to make up the difference—he can list property, bank accounts, or money in his savings account.
- You can also use your assets—like real estate, money in your bank account, or cash—to help the sponsor meet the amount required in the poverty guidelines.

Part 8

- The must read and sign the contract. He's agreeing to let the government consider his assets as yours if you need to apply for public benefits after becoming a permanent resident. In other words, he's agreeing to offer financial assistance to you if you cannot support yourself after becoming a permanent resident.
- That obligation ends if you become a US citizen or once you work for ten years in the US after becoming a permanent resident.

I-601

Part 1

- If you're detained, use the detention center's address as your own
- You are filing this application at the same time as your I-485, so leave the portion for the I-485 receipt number blank
- Before checking any boxes related to why you may be inadmissible, speak to an attorney or the Florence Project to make sure that the ground of inadmissibility applies to you. Checking a box has big consequences for your case, so make sure you do it right!
- There is a large space on this form to explain why the Immigration Judge should give you a pardon. Write out your reasons why your family would suffer if you were deported from the United States. Attach all your letters of support and evidence of hardship to this application.

Part 2

- List the address and name of the person who applied for your visa

Part 3

- List all other family members in the US who are citizens or permanent residents

Unless you've been diagnosed with Tuberculosis, there's no need to fill out the section related to that disease.

G-325A

- If you've never been married before, just list N/A
- List your addresses from the most recent to the least recent. If you're currently detained, use the detention center's address
- If you can't remember exactly when you lived someplace, use the abbreviation "apprx" or "+/-" to show that you're making an estimation

- List your previous jobs from most recent to least recent
- Check the box to indicate that the form is filed along with an application to be a Permanent Resident

Appendix 3. Evidence Checklist

Remember, these are examples. You don't need to gather all of these documents to win your case, but try for as many as possible. Check each one off as you receive it!

Letters of support from as many family members as possible (including drawings from children). These letters should specify how your permanent resident or US citizen wife, parent, or child will suffer if you are deported.	
Letters of support from friends	
Letters from people who know you (neighbors, landlord, boss)	
Letters showing community involvement and good character (church, volunteering)	
Proof of financial support your family (rent receipt, child support) and proof of financial hardship since your detention (past due notices for bills or rent)	
Photos of family (birthday parties, holidays, pets, babies, etc.)	

Certificates from any rehabilitation classes you've taken, like anger management, domestic violence, AA, substance abuse, parenting.	

Tax Records	
Pay Stubs	
Social Security Records	
Letter showing that you have a job when you get out of detention	
Proof of English Language Training, GED, college, etc.	
Certificates and diplomas from school and training courses	
Informational packets about any plans for school programs that you'll enroll in once you're released	

Copies of your children's school records, including letters from teachers or counselors about how your kids are doing in school. Ask the writer to include how moving to your home country would cause problems for your kids.	
Copies of medical records for your parent, spouse, or child if they are sick or suffer from any kind of disability	

Copies of your children's birth certificates	
Copies of proof of legal status for your parents, husband, or wife (birth certificate, naturalization certificate, green card or Mica)	
Copy of your marriage certificate	
Proof of any debt that my family has that you were helping to pay off (mortgage, car loans, school, medical, etc.)	
Proof of insurance (car, medical, etc.)	
Articles about the situation in your home country (eg. poor medical care, war and violence, unemployment, poverty, lack of educational opportunities for your children, etc.)	

Appendix 4. Certificate of Service

Use the following certificate if you will give the documents to the ICE attorney and the judge in court.

I, _____ (your name here), hereby certify that I hand-delivered a copy of this document to a representative of ICE Litigation on the date below.

Signed:

Date:

Use the following certificate if you will mail the documents to the ICE attorney and judge before the hearing.

I, _____ (your name here), hereby certify that I placed a copy of this document in the mail to ICE Litigation at

(list address for the ICE office at the detention center where you are staying) on the date below.

Signed:

Date:

In the Matter of _____, A _____ - _____ - _____
Name/Nombre

CERTIFICATE OF SERVICE

On ____ / ____ / 20 ____, I _____, caused to be served the attached:
Date/Fecha *Name/Nombre*

Document Title/Título del documento

On the opposing counsel, Department of Homeland Security – Office of the Chief Counsel – San Francisco, by mail to P.O. Box 26449, San Francisco, CA 94126

Date: _____

Signed: _____

Certificate of Interpretation

I, _____, am competent in both _____ and English,
Interpreter *Language*

and certify that I interpreted the attached _____
Document Name

to _____ to the best of my abilities and that s/he fully understood
Name

its contents.

Signature of Translator

Name of Translator

Date

Address

Telephone Number

Appendix 5. Sample Certificate of Translation

I, _____ (name of translator), certify that I am competent to translate this document from its original language into English and that the translation is true and accurate to the best of my abilities.

Signature of translator

Date

Appendix 6. Cover Letter for Payment of 245(i) Fine

If you are applying for “Adjustment of Status” under Section 245(i), you will need to send a \$1000 fine to USCIS. On the next page there is the cover letter that you should fill in and include with your payment. **You will also need to include a copy of your I-485 application, a fee waiver approved by the Judge, proof that you are in deportation proceedings, and a check or money order for \$1000.** Make sure that an attorney or the Florence Project looks at the packet before you send it!

**PAYMENT OF 245(i) FINE
ALIEN DETAINED AND IN REMOVAL PROCEEDINGS**

_____, 20____

U.S. Citizenship and Immigration Services
Texas Service Center
P.O. Box 852463
Mesquite, TX 75185-2463

To Whom It May Concern:

Please find enclosed my payment for the \$1000 fine for eligibility for adjustment of status under Section 245(i). I am enclosing a copy of the corresponding application, form I-485A (Supplement A), and a copy of the judge's order waiving the I-485 and biometrics fees. I have submitted the original of this application as well as my adjustment application to the immigration judge, as I am detained and in removal proceedings in Arizona.

Because I am in removal proceedings, I do not send my application or any fines or fees to the USCIS address in Chicago.

PLEASE ALSO NOTE that this is NOT payment for the application fee for an adjustment of status application (form I-485); that fee has been waived by the judge.

Thank you for your attention to this matter and I look forward to receiving the receipt for this payment as soon as possible.

Sincerely,

_____(Signature)
_____(Print Name)
_____(A#)

Attachments:

- 245i payment in the amount of \$1000
- Form I-485A (Supplement A)
- Proof that I am in removal proceedings
- Immigration Judge's Order waiving fees

