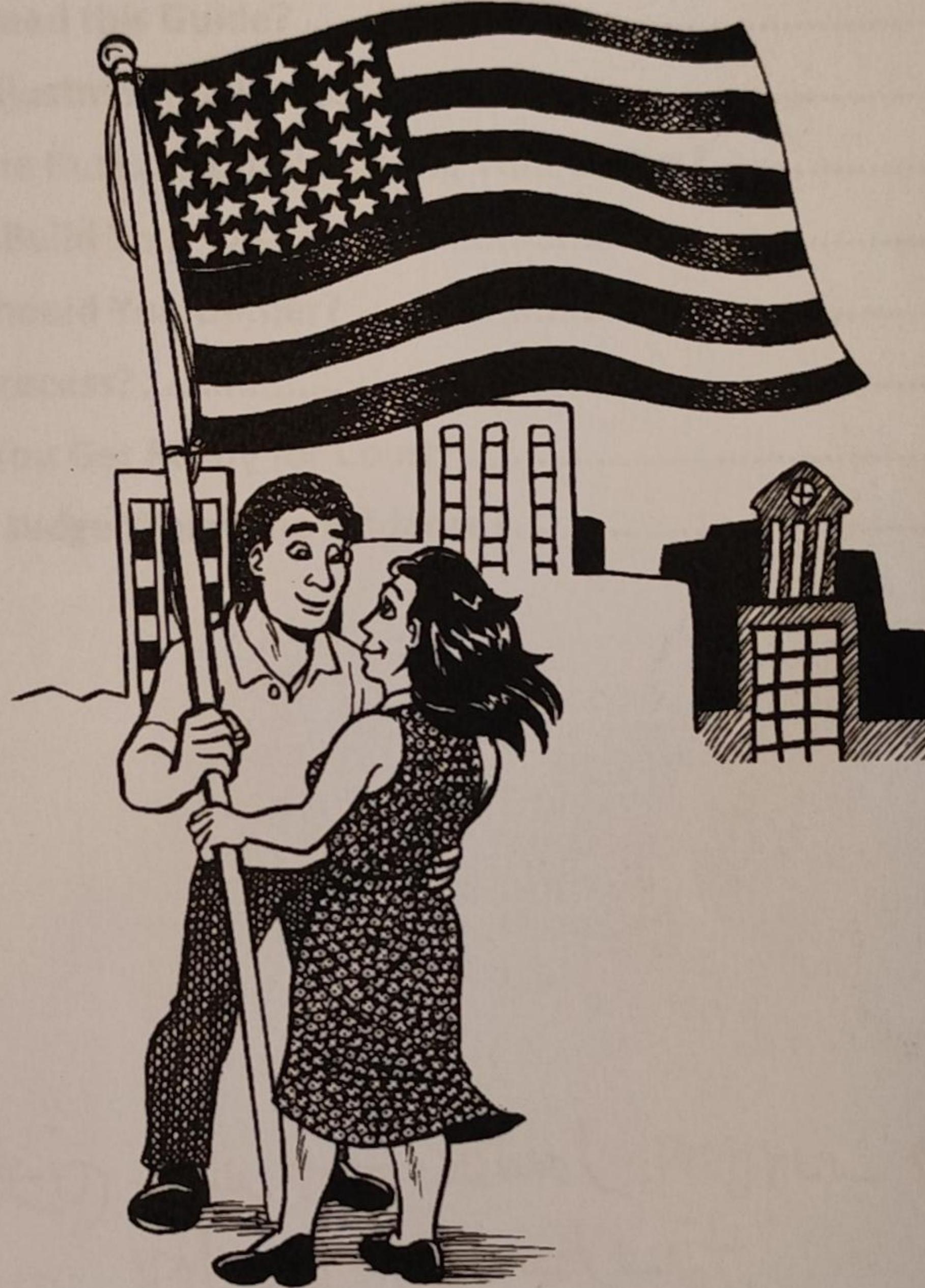


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How to Become a Permanent Resident

Applying for Adjustment of Status



The Florence Immigrant & Refugee Rights Project is a nonprofit legal services organization that works with adults and children in immigration custody in Arizona. The staff of the Florence Project prepared and updated this guide for immigrant detainees who represent themselves in their removal proceedings. We do not charge for our services. To see our guides, go to: www.firrp.org.

This guide is not intended to provide legal advice. It is not a substitute for legal counsel.

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Send your Form I-130 and proof to USCIS

Once you gather all the proof, send your I-130 packet to USCIS.

- Write a short letter with your name and A-number.
- List the proof that is in your packet.

USCIS will send your spouse a receipt when they get the packet. USCIS will also send a notice when your application is approved.

What Are Some Rules About Adjusting Your Status?

To win your case, you must meet several other requirements:

- You must have no history of serious crimes or drug abuse.

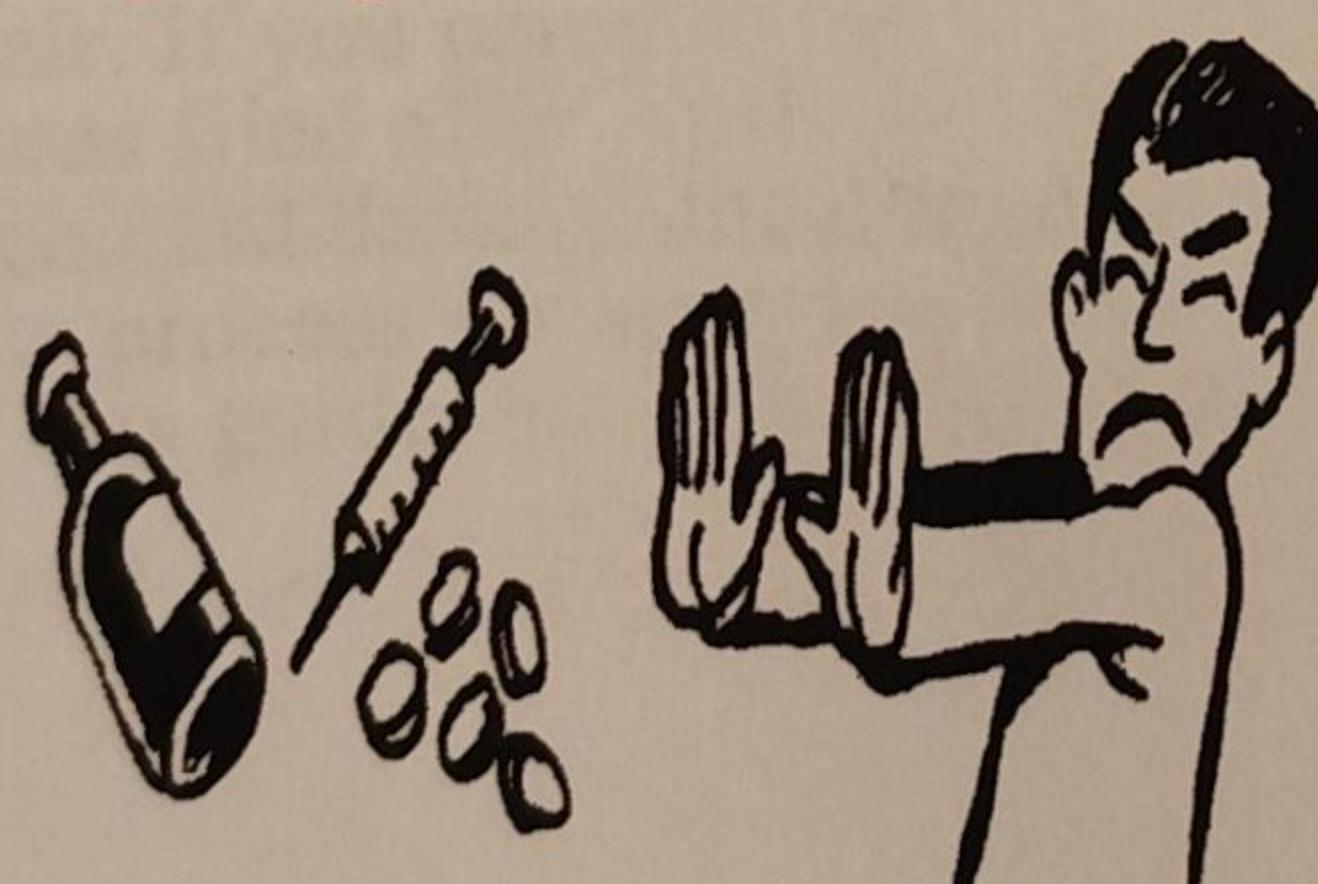
You cannot become a permanent resident if you have certain criminal convictions or if you admit to committing certain crimes.

The most problematic criminal convictions are drug offenses. Except for simple possession of marijuana or marijuana paraphernalia, you cannot apply to adjust your status if you have committed drug crimes. You cannot be pardoned.

In other cases, you may ask the judge to pardon a crime on your record. That is *called getting a waiver*. To get a waiver, you must show that if you were deported it would be difficult for your spouse, child, or parent who is a U.S. citizen or permanent resident. You may also get a waiver if the conviction is more than 15 years old and you have been rehabilitated.

If you do have a conviction, ask if a waiver is possible.

15年以上可以 Waive



- You need a sponsor and maybe a co-sponsor.

If you are applying through your family member, **you will also likely need a financial sponsor**. Your financial sponsor 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 judge for Form I-864P, *HHS Poverty Guidelines for Affidavit of Support*. Or go to <https://www.uscis.gov/i-864p>.



If no one in your family makes enough money, you must find a co-sponsor as well. For example, a friend, acquaintance, or other family member may be able to help.

- How you came into the U.S. or when you submitted your petition are factors.

To adjust your status, you must show that you entered the U.S. legally.

If you entered without papers, you can only adjust your status before the judge if your relative filed a petition on or before April 30, 2001. To find out the date of your petition, look at the *Approval Notice* that your relative received and the *Priority Date* in the top left corner.

If you came without papers and your petition was on or before April 30, 2001, then you should be able to apply if you meet all the other requirements.

Do not despair. If you came to the U.S. without papers and your application was filed after April 30, 2001, 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 voluntary departure is better than deportation.

illegal entry → 非法居留

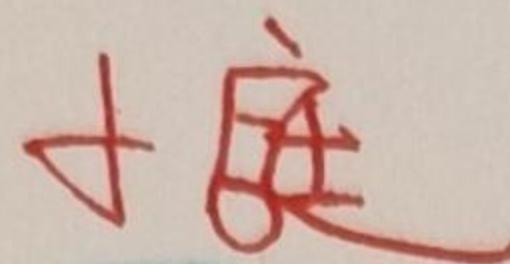
- Copies of medical records for your parent, spouse, or child if they are sick or suffer from any kind of disability
- Copy of your marriage certificate
- Copies of proof of legal status for your parents, husband, or wife (birth certificate, naturalization certificate, permanent resident card (also called a green card or a "mica"))

Your Education and Character

- Certificates from any rehabilitation classes you have taken, like anger management, domestic violence, AA, substance abuse, parenting
- 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 will enroll in once you are released
- Proof of occupational skills (certificates, licenses, etc.)

Financial Information

- Tax records
- Pay stubs
- If you are self-employed, sponsor's Schedule C, D, E, or F from most recent tax return
- Social Security records
- Letter showing that you have a job when you get out of detention



You will attend master calendar hearings

The first few hearings that you will go to will be **master calendar hearings**. At master calendar hearings, you will be in court with a group of other detainees. These hearings are not the right time to show the judge all your proof of the reasons you should stay in the country. You will do that once the judge sets a final hearing in your case.

CALENDAR					
	1	2	3	4	5
6	7	8	9	10	11
13	14	15	16	17	18
20	21	22	23	24	25
27	28	29	30	31	

The judge will check in with you about your case and see what you want to do.

If you want more time to find a lawyer, the judge will give you a few weeks to do so. After you have a lawyer, you will return for another master calendar hearing.

When you return 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 the government attorney to prove the charges against you.

If the government attorney says that you should be deported because you have criminal convictions, asking the attorney to prove the charges against you can be an important step. If you have certain types of criminal convictions, even for minor crimes, you may not be able to apply for an Adjustment of Status.

You must be careful. Do not admit to anything about your criminal record when you answer to your charges in immigration court. It is important to figure out as early as possible if a crime disqualifies you from adjusting your status.

*fighting, 不承认自己的犯罪
You need to argue a criminal*

The government has access to your *entire* criminal record. 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 ineligible to apply. Sometimes the judge and the government do not realize until the day of your final hearing that a problem exists with your record. So, ask the judge and try to find out as early as possible if any of your crimes might make it impossible for you to apply for a green card.

Turn negatives into positives

- If you had a problem with drugs and alcohol in the past, explain how you have overcome those problems. For example, did you go to AA meetings? Did you complete a rehabilitation program? Tell the judge about all of those things.

Do not 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 will not repeat those mistakes in the future.



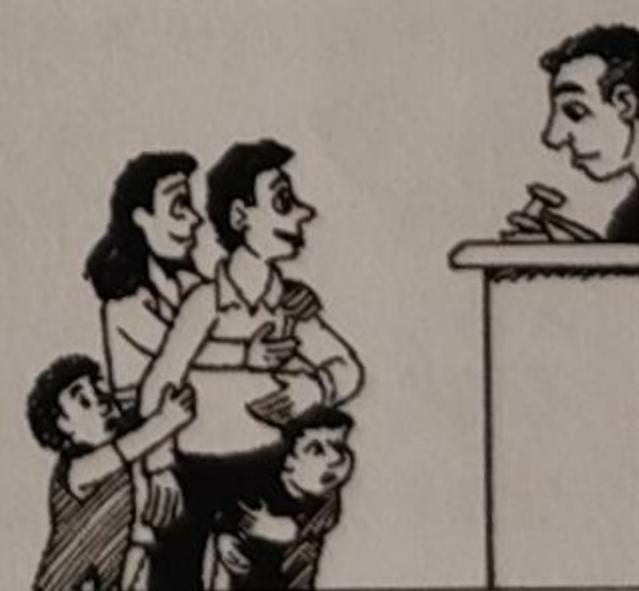
Speak from the heart

- Judges see a lot of people every day. You can make your testimony stand out if you speak 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 the judge about your plans for the future. Remember to write all of these reasons on a piece of paper so you will not forget.
- Do not 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 you should stay in the United States. Help your family members prepare. Ask them to list all the reasons they would suffer if you were in another country.
- Make sure your family members practice and write the reasons down to have with them in court. Your family members can also watch your final hearing to show the judge that they support you. Remember, some detention centers will not let small children come to court.



Answer the judge's questions

- **The judge may want to ask you some specific questions.** Remember, be respectful when the judge speaks. Refer to the judge as, "Your Honor," "Ma'am," or "Sir."
- If the judge decides that at least some of the charges against you are correct, the judge will then ask you questions to figure out if you are eligible for Adjustment of Status and to make sure that you meet the requirements.
- If the judge agrees that you are eligible to present your case for Adjustment of Status, the **judge will give you a copy of the applications.** Remember, just because the judge says you are eligible for Adjustment of Status does not mean that you have won your case! It only means that the judge thinks that you have met the basic requirements and is giving you a chance to apply.



How Will the Judge Weigh the Evidence?

In most cases, the judge will decide your case at the end of your final hearing. Here are some things the judge might do:

- **If the judge approves your application and ICE does not appeal that decision, you will likely be released the same day.**
- **If the judge approves your application and ICE appeals that decision, you will 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 may appeal that decision and saying that the judge was wrong.** You must tell the judge at your final hearing that you want to appeal. The judge will give you some paperwork that you must give to the Board of Immigration Appeals within 30 days of the decision. See the Florence Project's guide to appealing your case at: <https://firrp.org/resources/prose/>, or schedule an appointment to talk with a lawyer about your appeal.



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