Dear Colleagues and Friends of CUNY Citizenship Now!,

Thank you for your participation in the Thirteenth CUNY/Daily News Citizenship NOW! Call-In. New York’s immigrants need you more than ever.

With the help of many hundreds of volunteers - attorneys, faculty, community activists, students, and interns - Citizenship NOW! has provided information and assistance to more than 135,000 individuals. Almost half were permanent residents seeking information on how to become a U.S. citizen. This year, we expect to answer more calls than ever.

Special thanks to The New York Daily News, New York’s Hometown Paper, for partnering with CUNY and providing support for this program from its inception. We very much appreciate the enduring support of our media partners WABC-TV, WXTV Univision 41; WADO 1280 AM and 92.7 New York; our tech sponsors Cisco, Presidio and Microsoft, and our co-sponsors the CUNY School of Professional Studies, CUNY School of Law, the New York City Mayor’s Office of Immigrant Affairs (MOIA), the New York State Office for New Americans (ONA), the National Association of Latino Elected and Appointed Officials (NALEO) and the New Americans Campaign (NAC). The 2015 call-in will again take place at Stella and Charles Guttman Community College.

We are profoundly grateful to President Scott Evenbeck and the staff of the College for their tremendous support. We also thank the attorneys and paralegals from New York’s not-for-profit agencies, including our newest partner, the Immigrant Justice Corps (IJC). Among our other partners in this venture are the American Immigration Lawyers Association (AILA), The Legal Aid Society, and Immigration Advocates Network. Thanks also to staff members from our elected officials’ offices who have joined CUNY’s international student advisors, legal and labor designees, attorneys, counselors, and human resources staff to ensure the call-in’s success.

I would like to recognize the dedicated staff of CUNY Citizenship Now! and its director Allan Wernick, for their tireless work in designing and implementing the call-in. I thank the administration and staff of the CUNY Graduate Center for hosting the training session.

As we do every year, we have revised this training manual to assist you in providing information to callers and as a resource for our volunteers. I am sure that you will find it a valuable tool.

I wish you every success as we help New York’s immigrants realize their dreams.

Jay Hershenson
Senior Vice Chancellor for University Relations
Secretary of the Board of Trustees
The City University of New York
INTRODUCTION

In the following pages, you will find information about a variety of citizenship and immigration law issues. We have made our best effort to include up-to-date and accurate information in all our publications. However, immigration laws, forms, fees, regulations, procedures and policies are constantly changing, sometimes even retroactively and the information contained herein may not necessarily be complete or correct on the date of publication.

Many immigration practitioners have praised our book as a reference tool they use on a daily basis. We hope that you find this book as useful too.

CUNY Citizenship Now!
1. NATURALIZATION

A. BASIC OVERVIEW OF NATURALIZATION REQUIREMENTS

Requirements for Naturalization

With limited exceptions you must meet all of the following requirements in order to naturalize.

1. You have resided continuously in the United States as a permanent resident (green card holder) for five years. (You can qualify after only three years of permanent residence if you are currently married to and have been living with a U.S. citizen for the last three years, and the U.S. citizen spouse has been a citizen for at least three years);

2. You were physically present in the United States for at least half of the five (or three) years;

3. You have resided for at least three months in the state or USCIS District in which the naturalization application will be filed;

4. You are a person of good moral character;

5. You have a basic knowledge of U.S. government and history;

6. You can read, write, and speak basic English (see subsection E, F, and G for more information on exemptions);

7. You are at least 18 years old and legally competent to take an oath of allegiance to the United States; and

8. You are willing to express allegiance to the United States.

The law provides some exceptions to the above requirements. Please speak with an authorized immigration law expert to find more information on these requirements and the exceptions to them.

Attention:

You should see an authorized immigration law expert before filing an application if any of the following apply to you:

- You have ever received a citation, were temporarily detained, and/or arrested by a law enforcement officer.

- You lied to an immigration officer, consular official, or government official.

- You failed to support your dependents or to pay alimony.

- You are a male who lived in the United States at any time between your 18th and 26th birthdays, other than as a lawful nonimmigrant, and failed to register with the Selective Service.

- You married solely to obtain permanent residence and/or obtained your permanent residence by providing false information.

- Since becoming a lawful permanent resident, you were absent from the United States for long periods of time, especially periods over six months.
• Since becoming a lawful permanent resident, you failed to file an income tax return and/or filed taxes as single or head of household when married.

• One of your parents became a U.S. citizen before you turned 18. You may already be a U.S. citizen (See section 2 Citizenship for Children for more information).

B. CONTINUOUS RESIDENCE REQUIREMENT

To be naturalized, you must have continuously resided in the United States as a permanent resident for at least five years. If you are the spouse of a U.S. citizen, you can naturalize three years after becoming a permanent resident if you have been married to and living with that U.S. citizen for the entire three year period. The five or three years required are referred to as the 'statutory period'. Continuous residence does not mean that you must have been in the United States without ever leaving during the statutory period. It does mean, however, that during the statutory period all of the following were true:

• You did not abandon your permanent resident status;

• The United States was your principal residence;

• You have not been out of the country for one year (365 consecutive days) or more at a time. An absence of one year breaks the continuity of your residence.

If you have been out of the country for more than six months at a time, but less than one year, you may have to prove that you did not intend to abandon your residence in the United States. Such proof might include having close family, a house or apartment, a job, and bank or utility accounts in the United States.

If you went abroad to work for a U.S. business or research institution, to do religious work, or to work for the U.S. government, you may have been absent for more than a year without breaking your continuous residence if you got prior approval from USCIS by filing Form N-470, Application to Preserve Residence for Naturalization Purposes.

If you are a lawful permanent resident who has been outside the United States for more than one year, but with a reentry permit (see glossary), you automatically disrupt your continuous residence for naturalization purposes. You must wait four years and one day from the date of your return to the United States (or two years and one day if applying based on marriage to a U.S. citizen) to apply for naturalization. If you did not have a reentry permit while you were outside the United States for over a year, speak with an authorized immigration law expert about potential abandonment of permanent residence.

C. PHYSICAL PRESENCE REQUIREMENT

In order to be naturalized, you must have been physically present in the United States for half of the statutory period. That means that you cannot have spent more than 913 days outside the United States in the last five years (or 548 days outside the United States in the last three years). The law allows exceptions for some religious workers, seamen, people serving in the military, and people working for the U.S. government abroad.
D. GOOD MORAL CHARACTER REQUIREMENT

The question of who has good moral character under U.S. law is not easy to answer. Good moral character does not mean moral excellence. However, if you have a criminal record; have failed to pay required family support; have had problems with alcohol or drugs; have been involved in illegal gambling or prostitution; have failed to pay your taxes; have failed to register with the Selective Service; or have lied to USCIS to gain immigration benefits, you might not meet the good moral character requirement.

Parking tickets, disorderly conduct convictions, and many other minor offenses usually will not prevent you from proving that you have good moral character. However, USCIS may argue that you do not have good moral character if you have repeated convictions for minor violations. If you have any doubts, particularly regarding a criminal record, you should speak with an authorized immigration law expert before filing your naturalization application.

Receipt of welfare and other public benefits has no bearing on good moral character. You can naturalize even if you have been receiving these benefits, as long as you were entitled to receive them.

Criminal Activity

If you have committed a crime, USCIS may find you ineligible for naturalization. If you have been convicted of certain serious crimes called aggravated felonies, you might be permanently barred (prohibited) from naturalizing and could be placed into removal (deportation) proceedings. Other crimes may not be a permanent bar to naturalization, but may be grounds for USCIS to remove you from the United States or may have other serious immigration consequences.

If you have ever been arrested or charged with a crime (even abroad), you need to get information about your criminal record before an authorized immigration law expert can help you determine whether you qualify for U.S. citizenship. Go to the Clerk of the court in the county/borough-city where you were arrested or charged, and get a “Certificate of Disposition” for every arrest or charge. See section 9 of this manual for more information about how to obtain a Certificate of Disposition. To obtain a disposition letter for tickets and summons issued by the New York Transit Authority, go to the MTA NYC’s Adjustment Bureau at 29 Gallatin Place, 3rd Floor, Brooklyn, NY 11201. Bring government issued ID, your Social Security card, and the date of arrest and docket number if you have them. You will be charged a fee of $10 cash. If you have any questions, call the Transit Adjudication Bureau at 347-643-5805. For crimes abroad, consult with your consulate to determine how to acquire a copy of your criminal record.

Note: Unless a traffic incident was alcohol or drug related or serious personal injury to another person occurred, you do not need to submit documentation for traffic fines and incidents that did not involve an actual arrest if the only penalty was a fine of less than $500 and/or points on your driver’s license.

The Certificate/Letter of disposition or the copy of your criminal record should be reviewed by an authorized immigration law expert.

Child Support

If you willfully fail to meet your child support obligations, you do not have good moral character for naturalization purposes. Child support refers to financial support that you provide to your children when they are not living with you, even if they live abroad.
How does USCIS know whether you are meeting your child support obligations? On Form N–400, Application for Naturalization, you are asked whether you are separated or divorced and whether you are living with or apart from your spouse. You are also asked how many children you have and where they reside. Your interview notice will ask you to bring in your divorce papers and any papers relating to the divorce, if applicable. You may be required to produce documentation, such as cancelled checks, to prove that you have met or are meeting your child support obligations. Even if no child support obligation exists, however, USCIS may check with the person caring for your children or ask you to get a letter from that person confirming that you are supporting your children.

**Other Common Indications of a Lack of Good Moral Character**

A habitual drunkard or a user or dealer of drugs is not a person of good moral character. The same is true of people who earn income from illegal gambling or prostitution. If you have been arrested for one of these activities and currently have no visible means of support, USCIS may wonder if you are engaging in illegal activities.

If you are a polygamist (you abide by the ideology or practice of having many wives), you will fail to meet the good moral character requirement. You may also be unable to meet the good moral character requirement if you failed to pay taxes when the law required you to do so. If you have ever helped smuggle someone into the United States you might be unable to show good moral character and you may be deportable.

**E. CIVIC KNOWLEDGE REQUIREMENT**

To naturalize, you must have a basic understanding of U.S. history and government (civics). You must correctly answer six out of ten questions from a list of 100 questions provided by USCIS.

If you are 65 years of age or older and you have been a permanent resident for at least 20 years at the time you submit your application for naturalization, you will need to correctly answer six out of ten questions from a list of only 20 questions, in your native language. For a list of the 20 civics questions in English, Spanish, Chinese, Arabic, Korean, Tagalog and Vietnamese, visit [www.uscis.gov](http://www.uscis.gov), click on “Citizenship”, then click on “Citizenship Resource Center”. You should indicate on Part 2, Question 12.C. of the Form N-400 that you qualify to take this simplified test.

If you cannot learn due to a mental impairment or physical or developmental disability, you can apply for an exemption from the civic knowledge test. To apply for this exemption, your medical doctor or clinical psychologist must fill out Form N-648, Medical Certification for Disability Exceptions. This completed form should be filed with your Form N-400, Application for Naturalization. You must also indicate on Part 2, Question 11 of the Form N-400 that you are requesting a waiver of the test.

**Note:** Requesting the mental impairment or physical disability exemption does not guarantee that you will be excused from the testing requirement. USCIS will decide at the interview whether to approve or deny your request.

**F. ENGLISH LANGUAGE REQUIREMENT**

Most naturalization applicants must meet the English literacy requirement. This requires that you read, write and speak basic English. You are exempt from the English language requirement if you are 50 years of age or older and a permanent resident for at least 20 years (50/20) or if you are
55 years of age or older and have been a permanent resident for at least 15 years (55/15), at the
time you submit your application for naturalization. You should indicate on Part 2, Question 12 of
the Form N-400 that you qualify for the exemption. If you are exempt, you must still pass the civics
test, but USCIS will test you in your native language. For a list of the civics questions in English,
Spanish, Chinese, Arabic, Korean, Tagalog and Vietnamese, visit www.uscis.gov, click on
“Citizenship”, then click on “Citizenship Resource Center”.

G. AGE AND COMPETENCY REQUIREMENT

To be naturalized, you must have the mental capacity to take an oath of allegiance to the United
States. This means that you must be at least 18 years old and legally competent to understand that
you are changing your status from lawful permanent resident to U.S. citizen.

If you have a physical or developmental disability or mental impairment which prevents you from
understanding the meaning of the oath, you can apply for a waiver from the oath requirement.

There is no particular form that is used to apply for the waiver, but you do need to submit a detailed
written evaluation completed by your medical doctor or clinical psychologist with your Form N-400,
Application for Naturalization. The evaluation must explain why and how you are unable to
understand the Oath of Allegiance. You must also have a Designated Representative who can take
the oath on your behalf. A Designated Representative may be either a 1) court-appointed legal
guardian or 2) US citizen spouse, parent, adult son or daughter, or adult brother or sister.

H. ALLEGIANCE TO THE U.S. GOVERNMENT REQUIREMENT

To become a U.S. citizen, you must express your allegiance to the United States and its form of
government. To do so, you must take an oath of allegiance. It is not until you take the Oath of
Allegiance that you actually become a citizen. If you have a physical or developmental disability or
mental impairment which prevents you from understanding the meaning of the oath, follow the
steps under “Age and Competency Requirement” above. Part of the Oath is giving up allegiance to
other countries. Some countries will still allow you to keep your citizenship after you take the oath
(see “Dual Citizenship” on pages 10 through 12 of this guide), but to be certain you should check
with your country’s embassy or consulate in the United States about the procedures necessary to
do so.

You must also demonstrate your allegiance to the United States by being willing to either bear arms
on behalf of the United States or perform some form of military service or civilian work of national
importance. There are some exceptions to the oath requirement for individuals with certain deeply
held beliefs. Speak to an authorized immigration law expert for more information about this
exception.

I. EXCEPTIONS TO THE REQUIREMENTS: VETERANS AND THOSE IN MILITARY SERVICE

If you are a U.S. military veteran or someone in the Army, Navy, Air Force, Marine Corps, Coast
Guard, or in certain components of the National Guard or the Selected Reserve of the Ready
Reserve, you may be able to naturalize without meeting the normal residence and physical presence
requirements. You are also exempt from paying the application and biometrics fees.
Individuals presently serving in the U.S. military during time of war, qualify for naturalization regardless of immigration status. For the purposes of this rule, the country has been at war as of September 11, 2001. If you are a service member who recently separated from service, you may qualify for naturalization even if you don’t meet the continuous residence and physical presence and the three-month state residency requirements if you:

- Have served honorably, in active duty or reserve service, for a period or periods adding up to one year or more,
- Are a permanent resident, and
- Apply during service or within six months of the termination of service.

Under Section 329 of the Immigration and Nationality Act (INA), if you served honorably as a member of the Selected Reserve of the Ready Reserve or in an active-duty status in the military, air, or naval forces of the United States, you may qualify for naturalization even if you are not a lawful permanent resident. See an authorized immigration law expert for more information. A Form N-400, Application for Naturalization submitted by a member of the military must be accompanied by Form N-426 Request for Certification of Military or Naval Service, a copy of the permanent residence card (if applicable), and two passport-style photos. No fees are required. Also note that as of February 18, 2010, Form G-325B, Biographic Information, is no longer required for any Form N-400 that is pending or filed under section 328 or 329 of the Act.

More information for members of the military and their families is available on the USCIS website at www.uscis.gov/military or by calling the USCIS military helpline at 877-CIS-4MIL (877-247-4645).

**J. COMPLETING FORM N-400 APPLICATION FOR NATURALIZATION**

Your eligibility for citizenship is based on the accuracy and completeness of USCIS Form N-400. Most of the form is very straightforward, but some questions require care in answering. Form N-400 is a legal document requiring truthful answers under penalty of perjury (a criminal offense consisting of deliberately making false statements under oath.) In addition to truthfulness, consistency is important, because your N-400 will be compared to other immigration forms you previously filed with USCIS. See the CUNY Citizenship Now! Read Me First Guide for a step-by-step guide to completing form N-400.

**K. FILING FORM N-400 (FOR INDIVIDUALS IN NEW YORK, NEW JERSEY, CONNECTICUT AND PENNSYLVANIA)**

- File Form N-400, Application for Naturalization with a check or a money order in the amount of $680 ($595 application fee plus $85 biometrics fee) made out to: “U.S. Department of Homeland Security.” Write your “A” number on the front of the check or money order. Naturalization applicants 75 years of age or older are exempt from having to pay the fingerprinting fee of $85. These applicants need only to submit a check or money order in the amount of $595. As of October 1, 2004, there is no filing fee for applicants currently serving in the U.S. Armed Forces.

**Note:** Fees listed as of 03/23/2015. For updated fees, check www.uscis.gov/forms.
• If you mail your **Form N-400, Application for Naturalization**, and supporting documents using the Postal Service, you must mail them to:

  USCIS  
P.O. Box 660060  
Dallas, TX 75266

• If you are sending your application by private courier (non-U.S. Postal Service), you must send it to:

  USCIS, ATTN: N-400  
2501 S. State Hwy. 121, Business Suite 400  
Lewisville, TX 75067

Other individuals can locate the USCIS address with jurisdiction over where they live at [www.uscis.gov](http://www.uscis.gov) or by calling 800-375-5283.

• You may file your application as early as three months before you meet the continuous residence requirement of five years (or three years).

• You must have resided in the state or USCIS District in which you currently claim residence for at least three months prior to filing your application.

• Remember to keep a copy of everything you send to USCIS, your postal receipts, and the receipts for the money order, if you sent one.

To determine how long USCIS expects it to take to make a decision on your application, you can check the USCIS website for N-400 processing times. Do this by visiting [www.uscis.gov](http://www.uscis.gov), clicking on “Tools.”

On page 34 you will find the document checklist that applicants can use to prepare their form N-400. Applicants should bring all documents requested to their interviews both the original document and a copy. Any documents that are not in English must be translated into English and must include a certification by the translator that he or she is competent to translate and that the translation is accurate.

**L. BIOMETRICS APPOINTMENT**

After mailing your application, USCIS will send you a receipt notice advising you to appear for biometrics (fingerprinting and photographs). Only a USCIS designated Application Support Center can do fingerprinting for naturalization purposes. The purpose of the biometrics appointment is to capture your fingerprints and photograph so that the government can conduct a background check on you. After the background check is completed, you will receive a notice for an interview with a USCIS officer.

**M. THE USCIS INTERVIEW**

At this interview you will be expected to prove your eligibility for naturalization and you will be tested on your basic knowledge of English and civics.
All individuals should bring the following documents to the interview:

- Permanent Resident Card (green card). You may attend even if you have lost your green card;
- Valid government-issued photo identification;
- All Passport(s) and any travel documents;
- All tax returns filed during the five or three year statutory period, including any correspondence relating to payment arrangements;
- All marriage certificates and divorce judgments/decrees;
- Any additional documents requested by USCIS in the interview notice.

You should also bring to the interview an extra copy of all documents including copies of any documentation submitted with the naturalization application, in case the USCIS officer requests to keep them on file.

Males between the ages of 18 and 31 should bring proof of registration with the Selective Service System. Individuals unable to take the full oath of allegiance because of religious reasons should bring a letter from their church or other religious institution explaining how their religious beliefs prevent them from taking the full oath. Individuals who have ever been arrested should bring a certificate of disposition for each arrest, including arrests that may have been sealed or expunged, or that occurred in another country. Individuals with minor children residing outside the home should bring evidence of their payment of financial support, such as cancelled checks, money order receipts and bank drafts, along with copies of any court orders relating to the required payments.

Individuals applying under the three year rule as the spouse of a U.S. citizen should bring proof that their spouse has been a U.S. citizen for over three years, such as a birth certificate, naturalization certificate, certificate of citizenship, or U.S. passport; marriage certificate; proof of termination of any and all prior marriages of both the applicant and the spouse; and evidence of living with the U.S. citizen spouse for the last three years, such as lease agreements, home ownership documents, or joint tax returns.

**Note:** You must bring to the interview an original and a photocopy of each document. Any documents that are not in English must be translated into English and must include a certification by the translator that he or she is competent to translate and that the translation is accurate.

At the start of your interview, the USCIS officer will ask you to swear that all the information you are about to give is true. After you have taken this oath, the USCIS officer will review your application to make sure that the statements you made in it are accurate. The officer will update your file with any changes that may have occurred since you submitted your application, such as marriage, travel abroad, or change in employment.

Your ability to speak and understand English is determined during this interview based on the way you answer the questions asked by the USCIS officer. The officer will also assess your English reading and writing ability and civics knowledge, during the interview. The officer will do so by asking you to read up to three sentences in English, to write up to three dictated sentences in English, and by testing you orally with up to ten questions on civics. As discussed earlier, some older, long-time resident applicants and some disabled residents are not required to read, write, and
speak basic English in order to become U.S. citizens. USCIS has designed many online materials to provide an overview of the naturalization interview and test. These materials are available at the Citizenship Resource Center on [www.uscis.gov](http://www.uscis.gov).

An applicant who fails the English or civics tests will be scheduled for another appointment to retake that test within 90 days, and will not have to pay another fee. If the applicant fails the test a second time, the application will be denied. However, there is no limit to how often you can re-apply for citizenship. Keep in mind that each time you apply, you will be required to pay the filing fee unless you qualify for a fee waiver.

**N. AFTER THE INTERVIEW**

The USCIS officer will usually decide your case at the interview, but not always. The law requires USCIS to make a decision within 120 days of the date of the interview. If your case is not decided within this amount of time, you have the right to file an application with the federal district court to get your case resolved.

If USCIS approves your naturalization application during the interview and you are applying under the military provisions or are elderly or disabled, the USCIS officer should give you the choice of (1) waiting in the office to be sworn in, or (2) having USCIS mail you the swearing-in notice. For all others who pass the exam, the USCIS will either give the applicant the notice of the swearing-in ceremony immediately after the exam or mail it to the applicant later.

At the time of the swearing-in ceremony, you will take the Oath of Renunciation and Allegiance to the United States and become a naturalized citizen. If on your application for naturalization you requested a name change, you will be sworn in by a Federal Judge or Magistrate. If you did not request a name change, you will be sworn in by a USCIS officer. If your name was previously changed through marriage or divorce, you too will be sworn in by a USCIS officer and your Certificate of Naturalization will be issued in this new name. You become a U.S. citizen when you complete the swearing-in ceremony.

**O. APPEALING A USCIS DENIAL OF NATURALIZATION**

If USCIS denies your application, the USCIS officer must inform you in writing that you have 30 days to request a hearing before an immigration officer. A request for a hearing is made by filing [Form N-336, Request for a Hearing on a Decision in Naturalization Proceedings](http://www.uscis.gov) along with a $650 filing fee. If you are unsuccessful at that hearing, you may seek a review of the decision in federal court.

**P. HOW TO HANDLE CHANGES DURING THE NATURALIZATION PROCESS**

**Address Changes**

If you are likely to change your address while you have an application pending with USCIS, use a post office box or the mailing address of a friend or relative, as your mail may not get to your new residence. If you do move, you must update your address. To do so, do all of the following:
• Complete **Form AR-11, Change of Address**, and mail it Certified Mail, Return Receipt Requested, to:

U.S. Department of Homeland Security  
Citizenship and Immigration Services  
Attn: Change of Address  
1344 Pleasants Drive  
Harrisonburg, VA 22801

Be sure to save a copy of the submitted form and your post office receipts;

• Send a letter listing your old address and your new address to the USCIS address listed on your N-400 receipt notice. Attach a copy of your receipt notice. If you have not yet received a receipt notice, submit the change of address to the USCIS office where you filed;

• Report your change of address by phone, by calling **800-375-5283**, or online at [www.uscis.gov](http://www.uscis.gov) by clicking on “Tools”. To do this you will need your receipt number. If you have not yet received a receipt notice with a receipt number for your naturalization application, you can still submit a change of address. To do so, if you paid for your application by check, look at the back of the submitted check that was returned to you through your bank. On the back is your 13-digit USCIS receipt number. If you paid for your application by money order, you can change your address without a receipt number, by calling **800-375-5283**.

• Inform the post office that you have moved. You can do this online at [www.usps.com](http://www.usps.com) or by visiting your local post office.

**Note:** The law requires all individuals who are not U.S. Citizens, Legal Permanent Residents, or in A or G status to report a change of address to USCIS within 10 days of moving. Completing the necessary USCIS **Form AR-11, Alien's Change of Address Card** to abide by this legal requirement does not update an address on any applications pending with USCIS. Individuals with pending cases must follow all the steps listed above.

Also note that one of the residence requirements for naturalization is that you must reside in the state or USCIS District for 90 days prior to examination by the USCIS officer. If you move from one state (or USCIS district) to another, you must reside at the new location for 90 days before your interview and exam.

**Q. DUAL CITIZENSHIP**

The countries below have laws on dual citizenship (being a citizen of two countries at once). Many countries have restrictions regarding losing or acquiring citizenship and for that reason they are not listed below. The countries marked with an asterisk (*) have restrictions. For more information about losing your present citizenship when you naturalize as a U.S. citizen, speak with a representative of your government before filing for naturalization. Even if your country allows dual citizenship you are required by U.S. law to use a U.S. passport to leave and re-enter the United States.
## Dual Citizenship Generally Allowed after U.S. Naturalization

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## Dual Citizenship Generally Not Allowed After U.S. Naturalization

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<tr>
<td>Ivory Coast</td>
<td>North Korea (DPRK)</td>
<td>Zimbabwe</td>
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R. FORM N-400, APPLICATION FOR NATURALIZATION

This is the latest version of form N-400. As of Monday, May 5, 2014, USCIS will only accept the new Form N-400 (09/13/13 edition).
Part 2. Information About You (continued)

4. Name Change (optional)
Read the Form N-400 Instructions before you decide whether or not you would like to legally change your name.
Would you like to legally change your name?  
☐ Yes  ☐ No
If "Yes," print the new name you would like to use in the space below:
Family Name (Last Name)  
Given Name (First Name)  
Middle Name (if applicable)

5. U.S. Social Security Number (if applicable)

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

7. Date You Became a Permanent Resident (mm/dd/yyyy)

8. Country of Birth

9. Country of Citizenship or Nationality

10. Are you requesting an accommodation(s) to the naturalization process because of a disability and/or an impairment?  
(See Form N-400 Instructions for accommodation examples)
☐ Yes  ☐ No
If "Yes," check the box(es) below that applies:
☐ Deaf or hard of hearing and need an interpreter who uses the following sign language (e.g., American Sign Language):
☐ Use a wheelchair or other device that assists with mobility.
☐ Blind or low vision.
☐ Require another type of accommodation. (explain):

11. Do you have a physical or developmental disability or mental impairment that prevents you from demonstrating your knowledge and understanding of the English language and/or civics requirements for naturalization?  
☐ Yes  ☐ No
If "Yes," submit a completed Form N-648, Medical Certification for Disability Exceptions, when you file your Form N-400.

12. Exemptions from the English Language Test
A. Are you 50 years of age or older and have you lived in the United States as a Permanent Resident for periods totaling at least 20 years at the time of filing your Form N-400?  
☐ Yes  ☐ No
B. Are you 55 years of age or older and have you lived in the United States as a Permanent Resident for periods totaling at least 15 years at the time of filing your Form N-400?  
☐ Yes  ☐ No
C. Are you 65 years of age or older and have you lived in the United States as a Permanent Resident for periods totaling at least 20 years at the time of filing your Form N-400? (If you meet this requirement, you will also be given a simplified version of the civics test.)  
☐ Yes  ☐ No
### Part 3. Information to Contact You

1. **Daytime Phone Number**
   - ( ) ______ - ______

2. **Work Phone Number (if any)**
   - ( ) ______ - ______

3. **Evening Phone Number**
   - ( ) ______ - ______

4. **Mobile Phone Number (if any)**
   - ( ) ______ - ______

5. **E-mail Address (if any)**
   - 

### Part 4. Information About Your Residence

1. **Where have you lived during the last 5 years?** Begin with where you live now and then list every location where you have lived during the last 5 years. **If you need more space, use an additional sheet(s) of paper.**

   - **Date of Residence**
   - **From (mm/dd/yyyy)**
   - **To (mm/dd/yyyy)**
   - **Present**

   - **Street Number and Name**
   - **Apt.**
   - **Ste.**
   - **Flr. Number**

   - **City**
   - **County**
   - **State**
   - **ZIP Code + 4**

   - **Province or Region (foreign address only)**
   - **Country (foreign address only)**
   - **Postal Code (foreign address only)**

### A. Mailing Address (of different from the address above)

1. **C/O (Care Of) Name, if applicable**

   - **Street Number and Name**
   - **Apt.**
   - **Ste.**
   - **Flr. Number**

   - **City**
   - **State**
   - **ZIP Code + 4**

   - **Province or Region (foreign address only)**
   - **Country (foreign address only)**
   - **Postal Code (foreign address only)**
### Part 4. Information About Your Residence (continued)

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<td>Apt. Ste. Flr. Number</td>
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<td>State</td>
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<th>To (mm/dd/yyyy)</th>
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</table>
### Part 5. Information About Your Parents

If your biological or legally adoptive mother or father is a U.S. citizen by birth, or naturalized before you reached your 18th birthday, you may already be a U.S. citizen. Visit the USCIS Web site at www.uscis.gov for further information on this topic before you consider filing Form N-400.

1. Were your parents married before your 18th birthday?  
   - [ ] Yes  
   - [ ] No

2. Is your mother a U.S. citizen?  
   - [ ] Yes  
   - [ ] No
   
   *If "Yes," complete the following information.*

   **A. Current Legal Name of U.S. Citizen Mother**
   - **Mother's Family Name (Last Name)** 
   - **Mother's Given Name (First Name)**
   - **Mother's Middle Name (if applicable)**

   **B. Mother's Country of Birth**
   - 

   **C. Mother's Date of Birth (mm/dd/yyyy)**

3. Is your father a U.S. citizen?  
   - [ ] Yes  
   - [ ] No

   *If "Yes," complete the information below.*

   **A. Current Legal Name of U.S. Citizen Father**
   - **Father's Family Name (Last Name)**
   - **Father's Given Name (First Name)**
   - **Father's Middle Name (if applicable)**

   **B. Father's Country of Birth**
   - 

   **C. Father's Date of Birth (mm/dd/yyyy)**

### Part 6. Information for Criminal Records Check

**NOTE:** USCIS requires you to complete the categories below to conduct background checks. *(See Form N-400 Instructions for more information)*

1. **Gender**  
   - [ ] Male  
   - [ ] Female

2. **Height**  
   - Feet [ ]
   - Inches [ ]

3. **Ethnicity (Select one)**  
   - [ ] Hispanic or Latino  
   - [ ] Not Hispanic or Latino

4. **Race (Select one or more)**  
   - [ ] White  
   - [ ] Asian  
   - [ ] Black or African American  
   - [ ] American Indian or Alaska Native  
   - [ ] Native Hawaiian or Other Pacific Islander

5. **Hair color**  
   - [ ] Black  
   - [ ] Brown  
   - [ ] Blonde  
   - [ ] Gray  
   - [ ] White  
   - [ ] Red  
   - [ ] Sandy  
   - [ ] Bald (No hair)
### Part 6. Information for Criminal Records Check (continued)

**6. Eye color:**

- [ ] Brown
- [ ] Blue
- [ ] Green
- [ ] Hazel
- [ ] Gray
- [ ] Black
- [ ] Pink
- [ ] Maroon
- [ ] Other

### Part 7. Information About Your Employment and Schools You Attended

List where you have worked or attended school full time or part time during the last 5 years. Provide information for the complete time period. Include all military, police, and/or intelligence service. Begin by providing information about your most recent or current employment, studies, or unemployment (if applicable). Provide the locations and dates where you worked, were self-employed, were unemployed, or have studied for the last 5 years. If you worked for yourself, write "self-employed." If you were unemployed, write "unemployed." If you need more space, use an additional sheet(s) of paper to complete Part 7.

#### 1. Employer or School Name

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<thead>
<tr>
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<th>Ste.</th>
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<th>Your Occupation</th>
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#### 2. Employer or School Name

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### Part 7. Information About Your Employment and Schools You Attended (continued)

3. **Employer or School Name**

   Street Number and Name

   |------|------|------|--------|

   City

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   Province or Region (foreign address only)

   Country (foreign address only)

   Postal Code (foreign address only)

   Date From (mm/dd/yyyy)  Date To (mm/dd/yyyy)  Your Occupation

### Part 8. Time Outside the United States

1. How many total days (24 hours or longer) did you spend outside the United States during the last 5 years?  **days**

2. How many trips of 24 hours or longer have you taken outside the United States during the last 5 years?  **trips**

3. List below all the trips of 24 hours or longer that you have taken outside the United States during the last 5 years. Begin with your most recent trip and work backwards. If you need more space, use an additional sheet(s) of paper.

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<th>Date You Returned to the United States (mm/dd/yyyy)</th>
<th>Did Trip Last 6 Months or More?</th>
<th>Countries to Which You Traveled</th>
<th>Total Days Outside the United States</th>
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<td>Yes/No</td>
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Part 9. Information About Your Marital History

1. What is your current marital status?
   - Single, never married
   - Married
   - Separated
   - Divorced
   - Widowed
   - Marriage annulled

2. If you are married, is your spouse a current member of the U.S. Armed Forces?
   - Yes
   - No

3. How many times have you been married (including annulled marriages and marriage(s) to the same person)?
   - 
   - If you are single and have never been married, indicate "0" and go to Part 10.

4. If you are married now, provide the following information about your current spouse.
   A. Legal Name of Current Spouse
      - Family Name (Last Name)
      - Given Name (First Name)
      - Middle Name (if applicable)
   B. Previous Legal Name of Current Spouse
      - Family Name (Last Name)
      - Given Name (First Name)
      - Middle Name (if applicable)
   C. Other Names Used by Current Spouse (include nicknames, aliases, and maiden name, if applicable)
      - Family Name (Last Name)
      - Given Name (First Name)
      - Middle Name (if applicable)
   D. Current Spouse's Date of Birth (mm/dd/yyyy)
   E. Date You Entered into Marriage with Current Spouse (mm/dd/yyyy)
   F. Current Spouse's Present Home Address
      - Street Number and Name
      - City
      - County
      - State
      - ZIP Code + 4
      - Province or Region (foreign address only)
      - Province (foreign address only)
      - Postal Code (foreign address only)
   G. Current Spouse's Present Employer

5. Is your current spouse a U.S. citizen?
   - Yes
   - No
   If "Yes," answer Item Number 6.
   If "No," go to Item Number 7.
Part 9. Information About Your Marital History (continued)

6. If your current spouse is a U.S. citizen, complete the following information.
   A. When did your current spouse become a U.S. citizen?
      □ At birth  • Go to Item Number 8.  □ Other  • Complete the following information.

   B. Date your current spouse became a U.S. citizen
      (mm/dd/yyyy)  ▶

7. If your current spouse is not a U.S. citizen, complete the following information.
   A. Current Spouse's Country of Citizenship or Nationality
      ▶
   B. Current Spouse's A-Number (if applicable)
      ▶
   C. Current Spouse's Immigration Status
      □ Permanent Resident  □ Other (explain):

8. How many times has your current spouse been married (including annulled marriages and marriage(s) to the same person)? If your current spouse has been married before, provide the following information about your current spouse's prior spouse.

   If your current spouse has had more than one previous marriage, use an additional sheet(s) of paper to provide the information requested in Items A.- H. below for each marriage.

   A. Prior Spouse's Family Name (Last Name)  Given Name (First Name)  Middle Name (if applicable)
      ▶
   B. Prior Spouse's Immigration Status
      □ U.S. Citizen  □ Permanent Resident  □ Other (explain):
      ▶
   C. Prior Spouse's Date of Birth
      (mm/dd/yyyy)  ▶
   D. Prior Spouse's Country of Birth
      ▶
   E. Prior Spouse's Country of Citizenship or Nationality
      ▶
   F. Date of Marriage with Prior Spouse
      (mm/dd/yyyy)  ▶
   G. Date Marriage Ended with Prior Spouse
      (mm/dd/yyyy)  ▶
   H. How Marriage Ended with Prior Spouse
      □ Annulled  □ Divorced  □ Spouse Deceased  □ Other (explain):
      ▶
Part 9. Information About Your Marital History (continued)

9. If you were married before, provide the following information about your prior spouse. If you have more than one previous marriage, use an additional sheet(s) of paper to provide the information requested in Items A.-H. below for each marriage.

A. Your Prior Spouse’s Family Name (Last Name) Given Name (First Name) Middle Name (if applicable)

B. Your Prior Spouse’s Immigration Status When Your Marriage Ended
   - U.S. Citizen
   - Permanent Resident
   - Other (explain):

C. Your Prior Spouse’s Date of Birth (mm/dd/yyyy)

D. Your Prior Spouse’s Country of Birth

E. Your Prior Spouse’s Country of Citizenship or Nationality

F. Date of Marriage with Your Prior Spouse (mm/dd/yyyy)

G. Date Marriage Ended with Your Prior Spouse (mm/dd/yyyy)

H. How Marriage Ended with Your Prior Spouse
   - Annulled
   - Divorced
   - Spouse Deceased
   - Other (explain):

Part 10. Information About Your Children

1. Indicate your total number of children. (All children should be included, including: A. Children who are alive, missing, deceased; B. Children born in the United States or in other countries; C. Children under 18 years of age or older; D. Children who are currently married or unmarried; E. Children living with you or elsewhere; F. Current stepchildren; G. Legally adopted children; and H. Children born when you were not married.)

2. Provide the following information about all your children (sons and daughters) listed in Item Number 1, regardless of age. Use an additional sheet(s) of paper to list any additional children.

A.1. Child’s Current Legal Name
   - Family Name (Last Name)
   - Given Name (First Name)
   - Middle Name (if applicable)

A.2. Child’s A-Number (if applicable)
   - A-

A.3. Child’s Date of Birth (mm/dd/yyyy)

A.4. Child’s Country of Birth
Part 10. Information About Your Children (continued)

A.5. Child’s Current Address

<table>
<thead>
<tr>
<th>Street Number and Name</th>
<th>Apt.</th>
<th>Ste.</th>
<th>Flr.</th>
<th>Number</th>
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<thead>
<tr>
<th>City</th>
<th>County</th>
<th>State</th>
<th>ZIP Code + 4</th>
</tr>
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<tbody>
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<th>Country (foreign address only)</th>
<th>Postal Code (foreign address only)</th>
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<tbody>
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</table>

A.6. What is your child’s relationship to you? (e.g., biological child, stepchild, legally adopted child)

B.1. Child’s Current Legal Name

<table>
<thead>
<tr>
<th>Family Name (Last Name)</th>
<th>Given Name (First Name)</th>
<th>Middle Name (if applicable)</th>
</tr>
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<tbody>
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B.2. Child’s A-Number (if applicable)

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<th>A-</th>
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<tbody>
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</table>

B.3. Child’s Date of Birth

<table>
<thead>
<tr>
<th>Date of Birth (YYYY)</th>
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<tbody>
<tr>
<td></td>
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</table>

B.4. Child’s Country of Birth

<table>
<thead>
<tr>
<th>Country of Birth</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

B.5. Child’s Current Address

<table>
<thead>
<tr>
<th>Street Number and Name</th>
<th>Apt.</th>
<th>Ste.</th>
<th>Flr.</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
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<table>
<thead>
<tr>
<th>City</th>
<th>County</th>
<th>State</th>
<th>ZIP Code + 4</th>
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<th>Province or Region (foreign address only)</th>
<th>Country (foreign address only)</th>
<th>Postal Code (foreign address only)</th>
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</table>

B.6. What is your child’s relationship to you? (e.g., biological child, stepchild, legally adopted child)

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Form N-400 09/13/13 N  
Page 23 of 21
### Part 10. Information About Your Children (continued)

<table>
<thead>
<tr>
<th>C.1. Child's Current Legal Name</th>
<th>Given Name (First Name)</th>
<th>Middle Name (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family Name (Last Name)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C.2. Child's A-Number (if applicable)</th>
<th>C.3. Child's Date of Birth</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(month/day/yyy)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C.4. Child's Country of Birth</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>C.5. Child's Current Address</th>
<th>Apartment</th>
<th>Street</th>
<th>Floor</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Number and Name</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City</td>
<td></td>
<td>County</td>
<td>State</td>
<td>ZIP Code + 4</td>
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<tr>
<td>Province or Region (foreign address only)</td>
<td>Country (foreign address only)</td>
<td>Postal Code (foreign address only)</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>C.6. What is your child's relationship to you? (e.g., biological child, stepchild, legally adopted child)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>D.1. Child's Current Legal Name</th>
<th>Given Name (First Name)</th>
<th>Middle Name (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family Name (Last Name)</td>
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</table>

<table>
<thead>
<tr>
<th>D.2. Child's A-Number (if applicable)</th>
<th>D.3. Child's Date of Birth</th>
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<tbody>
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<td>(month/day/yyy)</td>
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<table>
<thead>
<tr>
<th>D.4. Child's Country of Birth</th>
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</thead>
</table>

<table>
<thead>
<tr>
<th>D.5. Child's Current Address</th>
<th>Apartment</th>
<th>Street</th>
<th>Floor</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Number and Name</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City</td>
<td></td>
<td>County</td>
<td>State</td>
<td>ZIP Code + 4</td>
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<td>Country (foreign address only)</td>
<td>Postal Code (foreign address only)</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>D.6. What is your child's relationship to you? (e.g., biological child, stepchild, legally adopted child)</th>
</tr>
</thead>
</table>
Part II. Additional Information

Answer Item Numbers 1 - 21. If you answer "Yes" to any of these questions, include a written explanation on an additional sheet(s) of paper and provide any evidence to support your answer.

1. Have you ever claimed to be a U.S. citizen (in writing or any other way)?
   - Yes □ No □

2. Have you ever registered to vote in any Federal, State, or local election in the United States?
   - Yes □ No □

3. Have you ever voted in any Federal, State, or local election in the United States?
   - Yes □ No □

4. Do you now have, or did you ever have, a hereditary title or an order of nobility in any foreign country?
   - Yes □ No □

5. Have you ever been declared legally incompetent, or been confined to a mental institution?
   - Yes □ No □

6. Do you owe any overdue Federal, State, or local taxes?
   - Yes □ No □

7. A. Have you ever not filed a Federal, State, or local tax return since you became a Permanent Resident?
   - Yes □ No □
   B. If "Yes," did you consider yourself to be a "non-U.S. resident"?
   - Yes □ No □

8. Have you called yourself a "non-U.S. resident" on a Federal, State, or local tax return since you became a Permanent Resident?
   - Yes □ No □

9. A. Have you ever been a member of, involved in, or in any way associated with, any organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other location in the world?
   - Yes □ No □
   B. If "Yes," provide the information below. If you need more space, attach the names of the other group(s) on an additional sheet(s) of paper and provide any evidence to support your answer.

<table>
<thead>
<tr>
<th>Name of Group</th>
<th>Purpose of the Group</th>
<th>Dates of Membership</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>From (mm/dd/yyyy)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>To (mm/dd/yyyy)</td>
</tr>
</tbody>
</table>

10. Have you ever been a member of, or in any way associated (either directly or indirectly) with:
   A. The Communist Party?
      - Yes □ No □
   B. Any other totalitarian party?
      - Yes □ No □
   C. A terrorist organization?
      - Yes □ No □
### Part II. Additional Information (continued)

<p>| | | |</p>
<table>
<thead>
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</table>

11. Have you ever advocated (either directly or indirectly) the overthrow of any government by force or violence?  
   - Yes  
   - No

12. Have you ever persecuted (either directly or indirectly) any person because of race, religion, national origin, membership in a particular social group, or political opinion?  
   - Yes  
   - No

13. Between March 23, 1933 and May 8, 1945, did you work for or associate in any way (either directly or indirectly) with:
   - The Nazi government of Germany?  
     - Yes  
     - No
   - Any government in any area (1) occupied by, (2) allied with, or (3) established with the help of the Nazi government of Germany?  
     - Yes  
     - No
   - Any German, Nazi, or S.S. military unit, paramilitary unit, self-defense unit, vigilant unit, citizen unit, police unit, government agency or office, extermination camp, concentration camp, prisoner of war camp, prison, labor camp, or transit camp?  
     - Yes  
     - No

14. Were you ever involved in any way with any of the following:
   - Genocide?  
     - Yes  
     - No
   - Torture?  
     - Yes  
     - No
   - Killing, or trying to kill, someone?  
     - Yes  
     - No
   - Badly hurting, or trying to hurt, a person on purpose?  
     - Yes  
     - No
   - Forcing, or trying to force, someone to have any kind of sexual contact or relations?  
     - Yes  
     - No
   - Forcing someone, or letting someone, put to death, or to kill?  
     - Yes  
     - No

15. Were you ever a member of, or did you ever serve in, help, or otherwise participate in, any of the following groups:
   - Military unit?  
     - Yes  
     - No
   - Paramilitary unit? (a group of people who act like a military group but are not part of the official military)  
     - Yes  
     - No
   - Police unit?  
     - Yes  
     - No
   - Self-defense unit?  
     - Yes  
     - No
   - Vigilante unit? (a group of people who act like the police, but are not part of the official police)  
     - Yes  
     - No
   - Rebel group?  
     - Yes  
     - No
   - Guerrilla group? (a group of people who use weapons against or otherwise physically attack the military, police, government, or other people)  
     - Yes  
     - No
   - Militia? (an army of people, not part of the official military)  
     - Yes  
     - No
   - Insurgent organization? (a group that uses weapons and fights against a government)  
     - Yes  
     - No
Part 11. Additional Information (continued)

16. Were you ever a worker, volunteer, or soldier, or did you otherwise ever serve in any of the following:
   A. Prison or jail? □ Yes □ No
   B. Prison camp? □ Yes □ No
   C. Detention facility? (a place where people are forced to stay) □ Yes □ No
   D. Labor camp? (a place where people are forced to work) □ Yes □ No
   E. Any other place where people were forced to stay? □ Yes □ No

17. Were you ever a part of any group, or did you ever help any group, unit, or organization that used a
    weapon against any person, or threatened to do so?
   A. If "Yes," when you were part of this group, or when you helped this group, did you ever use a weapon
      against another person? □ Yes □ No
   B. If "Yes," when you were part of this group, or when you helped this group, did you ever tell another
      person that you would use a weapon against that person? □ Yes □ No

18. Did you ever sell, give, or provide weapons to any person, or help another person sell, give, or provide
    weapons to any person?
   A. If "Yes," did you know that this person was going to use the weapons against another person? □ Yes □ No
   B. If "Yes," did you know that this person was going to sell or give the weapons to someone who was
      going to use them against another person? □ Yes □ No

19. Did you ever receive any type of military, paramilitary (a group of people who act like a military group but
    are not part of the official military), or weapons training? □ Yes □ No

20. Did you ever recruit (ask), enlist (sign up), conscript (require), or use any person under age 15 to serve in
    or help an armed force or group? □ Yes □ No

21. Did you ever use any person under age 15 to do anything that helped or supported people in combat? □ Yes □ No

If any of Item Numbers 22-28 apply to you, you must answer "Yes" even if your records have been sealed, expunged, or
otherwise cleared. You must disclose this information even if anyone, including a judge, law enforcement officer, or attorney, told
you that it no longer constitutes a record or told you that you do not have to disclose the information.

22. Have you ever committed, assisted in committing, or attempted to commit, a crime or offense for which you
    were not arrested? □ Yes □ No

23. Have you ever been arrested, cited, or detained by any law enforcement officer (including any and all
    immigration officials or the U.S. Armed Forces) for any reason? □ Yes □ No

24. Have you ever been charged with committing, attempting to commit, or assisting in committing a crime or
    offense? □ Yes □ No

25. Have you ever been convicted of a crime or offense? □ Yes □ No

26. Have you ever been placed in an alternative sentencing or a rehabilitative program (e.g., diversion,
    deferred prosecution, withheld adjudication, deferred adjudications)? □ Yes □ No
### Part 11. Additional Information (continued)

27. A. Have you ever received a suspended sentence, been placed on probation, or been paroled?  
   B. If "Yes," have you completed the probation or parole?  

28. A. Have you ever been in jail or prison?  
   B. If "Yes," how long were you in jail or prison?  

29. If you answered "Yes" to Item Numbers 23 - 28, complete the following table. If you need more space, use an additional sheet(s) of paper and provide any evidence to support your answer. If you answered "No" to all Item Numbers 23 - 28, go to Item Number 30.

<table>
<thead>
<tr>
<th>Why were you arrested, cited, detained, or charged?</th>
<th>Date arrested, cited, detained, or charged. (mm/dd/yyyy)</th>
<th>Where were you arrested, cited, detained, or charged? (City, State, Country)</th>
<th>Outcome or disposition of the arrest, citation, detention or charge (no charges filed, charges dismissed, jail, probation, etc.)</th>
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</table>
| Answer Item Numbers 30 - 46. If you answer "Yes" to any of these questions, except Item Numbers 37 and 38, include a written explanation on an additional sheet(s) of paper and provide any evidence to support your answer.

30. Have you ever:  
   A. Been a habitual drunkard?  
   B. Been a prostitute, or procured anyone for prostitution?  
   C. Sold or smuggled controlled substances, illegal drugs, or narcotics?  
   D. Been married to more than one person at the same time?  
   E. Married someone in order to obtain an immigration benefit?  
   F. Helped anyone to enter, or try to enter, the United States illegally?  
   G. Gambled illegally or received income from illegal gambling?  
   H. Failed to support your dependents or to pay alimony?  
   I. Made any misrepresentation to obtain any public benefit in the United States?
### Part 11. Additional Information (continued)

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
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<tbody>
<tr>
<td>Have you ever given any U.S. Government official(s) any information or documentation that was false, fraudulent, or misleading?</td>
<td></td>
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<tr>
<td>Have you ever lied to any U.S. Government official to gain entry or admission into the United States or to gain immigration benefits while in the United States?</td>
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<tr>
<td>Have you ever been removed, excluded, or deported from the United States?</td>
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<tr>
<td>Have you ever been ordered removed, excluded, or deported from the United States?</td>
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<tr>
<td>Have you ever been placed in removal, exclusion, rescission, or deportation proceedings?</td>
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<td></td>
</tr>
<tr>
<td>Are removal, exclusion, rescission, or deportation proceedings (including administratively closed proceedings) currently pending against you?</td>
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<tr>
<td>Have you ever served in the U.S. Armed Forces?</td>
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<td></td>
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<tr>
<td>Are you currently a member of the U.S. Armed Forces?</td>
<td></td>
<td></td>
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<tr>
<td>If you are currently a member of the U.S. Armed Forces, are you scheduled to deploy overseas, including to a vessel, within the next 3 months? (Refer to the Address Change section within the Form N-400 Instructions on how to notify UScis if you learn of your deployment plans after you file your Form N-400.)</td>
<td></td>
<td></td>
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<tr>
<td>If you are currently a member of the U.S. Armed Forces, are you currently stationed overseas?</td>
<td></td>
<td></td>
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<tr>
<td>Have you ever been court-martialed, administratively separated, or disciplined, or have you received an other than honorable discharge, while in the U.S. Armed Forces?</td>
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<tr>
<td>Have you ever been discharged from training or service in the U.S. Armed Forces because you were an alien?</td>
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<tr>
<td>Have you ever left the United States to avoid being drafted in the U.S. Armed Forces?</td>
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<tr>
<td>Have you ever applied for any kind of exemption from military service in the U.S. Armed Forces?</td>
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<tr>
<td>Have you ever deserted from the U.S. Armed Forces?</td>
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</tr>
<tr>
<td>Are you a male who lived in the United States at any time between your 18th and 26th birthdays? (This does not include living in the United States as a lawful nonimmigrant.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If “Yes,” when did you register for the Selective Service? Provide the information below.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date Registered (mm/dd/yyyy)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Selective Service Number</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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**Notes:**
- The form is a part of the N-400 application process for naturalization.
- The questions are designed to gather information about the applicant's background.
- The responses are marked with Yes or No.

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**Reference:**
- The form is titled "Part 11. Additional Information (continued)."
- The form is part of the N-400 application, which is used for naturalization.
Part 11. Additional Information (continued)

C. If "Yes," but you did not register with the Selective Service System and you are:
   1. Still under 26 years of age, you must register before you apply for naturalization, and complete the Selective Service information above; OR
   2. Now 26 years of age or older but you did not register with the Selective Service, you must attach a statement explaining why you did not register, and a status information letter from the Selective Service.

Answer Item Numbers 47. - 53. If you answer "No" to any of these questions, include a written explanation on an additional sheet(s) of paper and provide any evidence to support your answer.

47. Do you support the Constitution and form of government of the United States?  
   □ Yes □ No

48. Do you understand the full Oath of Allegiance to the United States?  
   □ Yes □ No

49. Are you willing to take the full Oath of Allegiance to the United States?  
   □ Yes □ No

50. If the law requires it, are you willing to bear arms on behalf of the United States?  
   □ Yes □ No

51. If the law requires it, are you willing to perform noncombatant services in the U.S. Armed Forces?  
   □ Yes □ No

52. If the law requires it, are you willing to perform work of national importance under civilian direction?  
   □ Yes □ No

NOTE: Answer the next question ONLY if you answered "Yes" to Part 11., Item Number 4. of Form N-400.

53. At your naturalization ceremony, are you willing to give up any inherited title(s) or order(s) of nobility that you have in a foreign country?  
   □ Yes □ No

Part 12. Your Signature (USCIS will reject your Form N-400 if it is not signed)

Your Statement
I certify, under penalty of perjury under the laws of the United States of America, that this application, and the evidence submitted with it, are all true and correct. I authorize the release of any information USCIS needs to determine my eligibility for naturalization.

Your Signature  

Date (mm/dd/yyyy)

Part 13. Signature and Contact Information of the Person Who Prepared This Form, If Other Than the Applicant

By my signature, I certify, swear or affirm, under penalty of perjury, that I prepared this form on behalf of, at the request of, and with the express consent of the applicant. I completed the form based only on responses the applicant provided to me. After completing the form, I reviewed it and all of the applicant's responses with the applicant, who agreed with every answer he or she provided for each question on the form and, when required, supplied additional information to respond to a question on the form.
Part 13. Signature and Contact Information of the Person Who Prepared This Form, If Other Than the Applicant (continued).

Preparer's Printed Name

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

Preparer's Signature

Preparer's Firm or Organization Name (if applicable)  Preparer's Daytime Phone Number

Preparer's Address

Street Number and Name  Apt.  Ste.  Flr.  Number

City  County  State  ZIP Code + 4

Province or Region (foreign address only)  Country (foreign address only)  Postal Code (foreign address only)

Preparer's E-mail Address  Preparer’s Fax Number

Part 14. Statement of Applicants Who Used an Interpreter

NOTE: If you answered "Yes" to Part 2, Item Numbers 11, or 12, of this form and during the completion of the form used an interpreter to interpret the questions on the form, then you and your interpreter must complete this section.

Applicant's Statement

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

(language used)

I understand each and every question and instruction on this form, as translated to me by my interpreter, and have provided true and correct responses in the language indicated above.

Your Signature

Date (mm/dd/yyyy)
Part 14. Statement of Applicants Who Used an Interpreter (continued)

Your Interpreter's Statement
I certify that I am fluent in English and

/language used/)

I further certify that I have read each and every question and instruction on this form, as well as the answer to each question, to this applicant in the above-mentioned language, and the applicant has informed me that he or she has understood each and every instruction and question on the form, as well as the answer to each question.

Interpreter's Printed Name
Family Name (Last Name)    Given Name (First Name)    Middle Name (if applicable)

Interpreter's Signature
Date (mm/dd/yyyy)

Telephone Number

(_____) ______- ______

NOTE: Do not complete Parts 15., 16., and 17. until the USCIS Officer instructs you to do so at the interview.

Part 15. Signature at Interview

I swear (affirm) and certify under penalty of perjury under the laws of the United States of America that I know that the contents of this Form N-400, Application for Naturalization, subscribed by me, including corrections number 1 through ______________, are true and correct. The evidence submitted by me on numbered pages 1 through ______________ is true and correct.

Subscribed to and sworn to (affirmed) before me

USCIS Officer's Printed Name or Stamp

USCIS Officer's Signature

Date (mm/dd/yyyy)
Part 16. Renunciation of Foreign Titles

If you answered "Yes" to Part 11, Item Numbers 4. and 53., then you must affirm the following before a USCIS officer:

I further renounce the title of __________________________ which I have heretofore held; or

I further renounce the order of nobility of __________________________ to which I have heretofore belonged.

Applicant's Printed Name

USCIS Officer's Printed Name

Part 17. Oath of Allegiance

If your application is approved, you will be scheduled for a public oath ceremony at which time you will be required to take the following Oath of Allegiance immediately prior to becoming a naturalized citizen. By signing below you acknowledge your willingness and ability to take this oath:

I hereby declare on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom or which I have heretofore been a subject or citizen;

that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic;

that I will bear true faith and allegiance to the same;

that I will bear arms on behalf of the United States when required by the law;

that I will perform noncombatant service in the Armed Forces of the United States when required by the law;

that I will perform work of national importance under civilian direction when required by the law; and

that I will take this obligation freely, without any mental reservation or purpose of evasion, so help me God.

Applicant's Printed Name

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

Applicant's Signature
Documents to Send with the Citizenship Application and to Bring to the Interview

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

Document Checklist

All applicants must send the following 3 items with their N-400 application:

1. ☐ A photocopy of both sides of your Permanent Resident Card (formerly known as the Alien Registration Card or “Green Card”). If you have lost the card, submit a photocopy of the receipt of your Form I-90, Application to Replace Permanent Resident Card; and

2. ☐ 2 identical color photographs, with your name and Alien Registration Number (A-Number) written lightly in pencil on the back of each photo. For details about the photo requirements, see Part 5 of Form M-476, A Guide to Naturalization, and the Form N-400, Application for Naturalization instructions. If your religion requires you to wear a head covering, your facial features must still be exposed in the photo for purposes of identification; and

3. ☐ A check or money order for the application fee and the biometrics services fee for fingerprinting, as stated in the M-479, Current Naturalization Fees, enclosure in the Guide. (Applicants 75 years of age or older are exempted from fingerprinting and the biometrics services fee). Write your A-Number on the back of the check or money order.

Send copies of the following documents, unless we ask for an original.

If an attorney or accredited representative is acting on your behalf, send:
☐ A completed original Form G-28, Notice of Entry of Appearance as Attorney or Representative.

If your current legal name is different from the name on your Permanent Resident Card, send:
☐ The document(s) that legally changed your name (marriage certificate, divorce decree, or court document).

If you are applying for naturalization on the basis of marriage to a U.S. citizen, send the following 4 items:

1. Evidence that your spouse has been a U.S. citizen for the last 3 years:
   a. Birth certificate (if your spouse never lost citizenship since birth); or
   b. Certificate of Naturalization; or
   c. Certificate of Citizenship; or
   d. The inside of the front cover and signature page of your spouse’s current U.S. passport; or
   e. Form FS-240, Report of Birth Abroad of a Citizen of the United States of America; and

2. Your current marriage certificate; and

3. Proof of termination of all prior marriages of your spouse (divorce decree(s), annulment(s), or death certificate(s)); and

4. Documents referring to you and your spouse:
   a. Tax returns, bank accounts, leases, mortgages, or birth certificates of children; or
   b. Internal Revenue Service (IRS)-certified copies of the income tax forms that you both filed for the past 3 years; or
   c. An IRS tax return transcript for the last 3 years.

If you were married before, send:
☐ Proof that all earlier marriages ended (divorce decree(s), annulment(s), or death certificates(s)).

If you are currently in the U.S. military service and are seeking citizenship based on that service, send:
☐ A completed original Form N-426, Request for Certification of Military or Naval Service.
If you have taken any trip outside the United States that lasted 6 months or more since becoming a Lawful Permanent Resident, send evidence that you (and your family) continued to live, work and/or keep ties to the United States, such as:

- An IRS tax return “transcript” or an IRS-certified tax return listing tax information for the last 5 years (or for the last 3 years if you are applying on the basis of marriage to a U.S. citizen).
- Rent or mortgage payments and pay stubs.

If you have a dependent spouse or child(ren) who do not live with you, send:

- Any court or government order to provide financial support; and
- Evidence of your financial support (including evidence that you have complied with any court or government order), such as:
  a. Cancelled checks;
  b. Money and receipts;
  c. A court or agency printout of child support payments;
  d. Evidence of wage garnishments;
  e. A letter from the parent or guardian who cares for your child(ren).

If you have ever been arrested or detained by any law enforcement officer for any reason, and no charges were filed, send:

- An original official statement by the arresting agency or applicant court confirming that no charges were filed.

If you have ever been arrested or detained by any law enforcement officer for any reason, and charges were filed, send:

- An original or court-certified copy of the complete arrest record and disposition for each incident (dismissal order, conviction record or acquittal order).

If you have ever been convicted or placed in an alternative sentencing program or rehabilitative program (such as a drug treatment or community service program), send:

- An original or court-certified copy of the sentencing record for each incident; and
- Evidence that you completed your sentence:
  a. An original or certified copy of your probation or parole record; or
  b. Evidence that you completed an alternative sentencing program or rehabilitative program.

If you have ever had any arrest or conviction vacated, set aside, sealed, expunged or otherwise removed from your record, send:

- An original or court-certified copy of the court order vacating, setting aside, sealing, expunging or otherwise removing the arrest or conviction, or an original statement from the court that no record exists of your arrest or conviction.

NOTE: If you have been arrested or convicted of a crime, you may send any countervailing evidence or evidence in your favor concerning the circumstances of your arrest and/or conviction that you would like U.S. Citizenship and Immigration Services to consider.

If you have ever failed to file an income tax return since you became a Lawful Permanent Resident, send:

- All correspondence with the IRS regarding your failure to file.

If you have any Federal, state or local taxes that are overdue, send:

- A signed agreement from the IRS or state or local tax office showing that you have filed a tax return and arranged to pay the taxes you owe; and
- Documentation from the IRS or state or local tax office showing the current status of your repayment program.

NOTE: You may obtain copies of tax documents and tax information by contacting your local IRS offices, using the Blue Pages of your telephone directory, or through its Web site at www.irs.gov.

If you are applying for a disability exception to the testing requirement, send:

- An original Form N-648, Medical Certification for Disability Exceptions, completed less than 6 months ago by a licensed medical or osteopathic doctor or licensed clinical psychologist.

If you did not register with the Selective Service and you (1) are male, (2) are 26 years old or older, and (3) lived in the United States in a status other than as a lawful nonimmigrant between the ages of 18 and 26, send:

- A “Status Information Letter” from the Selective Service (Call 1-847-688-6888 for more information).
2. CITIZENSHIP FOR CHILDREN: ACQUIRING, DERIVING, AND APPLYING

Some foreign born children acquire U.S. citizenship at birth. A child may acquire citizenship when he/she is born abroad to a U.S. citizen parent, and the parent has resided in the United States for certain periods of time before the child was born. Note that the acquisition rules apply only to biological children of U.S. citizens to decide whether an individual born abroad acquired U.S. citizenship at birth, refer to the section on “Acquiring Citizenship” or check Charts A and B (pages 41 and 42).

Derivative citizenship rules apply to lawful permanent resident children who become U.S. citizens automatically when one or both parents become citizens. Note that a step-child cannot derive citizenship through a stepparent, and that adopted children may derive citizenship, but only if they meet the definition of adopted child in the Immigration and Nationality Act (INA). To determine whether a child derived citizenship through his/her parent(s), refer to the section on “Deriving Citizenship” or check Chart C (page 43).

If the child did not derive or acquire citizenship, he/she may qualify for a process called “Citizenship by Application”. This also applies to adopted children. To determine whether a child can obtain citizenship by application, refer to subsection D.

A. ACQUIRING CITIZENSHIP AT BIRTH

The rules for acquisition of citizenship vary depending on the law in effect at the time the child was born. Different rules apply to children born out of wedlock.

To determine whether the child acquired citizenship at birth, first ensure that the child’s biological mother or father was already a U.S. citizen on the day the child was born. Next, find out if the child was born in wedlock or out of wedlock. If the child was born in wedlock, refer to Chart A (page 41). If the child was born out of wedlock, refer to Chart B (page 42). Use the individual’s date of birth to determine if the parents meet the residence requirements necessary to transmit citizenship, as outlined in Charts A and B. Note that some children born on/after January 14, 1941 and before December 24, 1952 were subject to a requirement that the child reside in the United States for a period of time in order to retain their U.S. citizenship.

Note: Although we are using the term “child,” these acquisition rules apply to all individuals regardless of their current age.

How to Obtain Proof of Your Citizenship Status when Acquiring Citizenship

To obtain proof of U.S. citizenship, apply for a U.S. passport or a Certificate of Citizenship. For instructions on how to apply for each, see subsection C below.

B. DERIVING CITIZENSHIP

Whether a child derives citizenship automatically upon the naturalization of his/her parent(s) depends on the law applicable at the time the last condition is met. To determine whether the child derived citizenship, refer to Chart C on page 43. Two of the most recent laws are outlined below.
Individuals Who were Born On or After February 28, 1983

Biological children and adopted children benefit from the Child Citizenship Act of 2000 (CCA), passed on February 27, 2001, which changed the derivation rules. The law does not apply to stepchildren unless the stepparent legally adopts the child. Under the CCA, a child born outside the United States automatically becomes a U.S. citizen when all of the following conditions have been fulfilled in any order:

- At least one biological parent of the child is a citizen of the United States, whether by birth or naturalization;
- The child is under the age of 18 years and is unmarried;
- The child is residing in the United States in the legal and physical custody of the citizen parent;
- The child is a permanent resident.
- If your child is unmarried, under 18, residing with you, and a permanent resident when you naturalize, your child automatically becomes a citizen.

Note that if the child is born out of wedlock and is not legitimated by his/her 16th birthday, the father’s naturalization alone will not result in the child deriving citizenship.

Individuals Who Turned 18 on or Before February 27, 2001

Prior to February 27, 2001, permanent resident children derived citizenship under rules different from those that apply today. Children born between October 6, 1960, and February 27, 1983, automatically became U.S. citizens when all of the following conditions were fulfilled in any order:

1. a parent naturalized before the child turned 18, 
2. the child became a permanent resident before turning 18, 
3. the child was unmarried, and 
4. one of the following requirements was met:
   - The other parent was a citizen when the child was born and remains a U.S. citizen or naturalized prior to the child’s 18th birthday;
   - The child’s other parent was deceased;
   - The child was born out of wedlock and not legitimated** by his/her father and the naturalized parent was the mother;
   - The child was born out of wedlock and legitimated by his/her father while the child was in the father’s legal custody and prior to the child’s 16th birthday and the naturalized parent was the father AND either the mother also naturalized or the mother is deceased; or
   - The parents were divorced or legally separated and the naturalized parent had legal custody of the child following the divorce or legal separation.

**Legitimation:** the process that a biological father can use to legally acknowledge his children who were born out of wedlock (outside of marriage). The law of the child’s residence or domicile, or the law of the father’s residence or domicile, is the relevant law to determine whether a child has been legitimated.
How to Obtain Proof of Your U.S. Citizenship Status after Deriving Citizenship

To obtain proof of citizenship status, apply for a U.S. passport or a Certificate of Citizenship. For instructions on how to apply for each, see subsection C below.

C. PROVING U.S. CITIZENSHIP STATUS

A child who becomes a U.S. citizen automatically through deriving or acquiring citizenship may apply for a Certificate of Citizenship or a U.S. passport to obtain evidence of his/her status.

Apply for a Certificate of Citizenship

1. Complete Form N-600, Application for Certificate of Citizenship

   This is available at www.uscis.gov/forms or by calling the toll-free forms request line at 800-870-3676.

2. Provide the Filing Fee

   The filing fee is $600. If filing on behalf of an adopted minor child, the filing fee is $550. Make the check or money order payable to “U.S. Department of Homeland Security.”

3. Mail the application Certified Mail, Return Receipt Requested to:

   USCIS
   P.O. Box 20100
   Phoenix, AZ 85036

Apply for a U.S. Passport

Complete Form DS-11, Application for U.S. Passport at the U.S. Department of State website www.travel.state.gov. You can also obtain the application from any passport agency or acceptance facility. A locator of those agencies and facilities may be found at the U.S. Department of State website.

Those applying for the first time must apply in person. All documentation submitted as evidence of U.S. citizenship will be returned to the applicant. For information on renewing a passport, see page 70.

You will be required to present proof of U.S. citizenship, proof of identity, and pay a filing fee. There is an additional fee for expedited processing.
D. CITIZENSHIP BY APPLICATION

Children who are in the United States temporarily and legally and who meet the requirements below become U.S. citizens when a U.S. citizen parent files Form N-600K, Application for Citizenship and Issuance of Certificate. Adopted children are also eligible. To qualify, all of the conditions must be fulfilled:

- One parent must be a U.S. citizen;
- The child must be legally present in the United States after a lawful admission;
- The child must be under 18;
- The child must be in the legal and physical custody of a U.S. citizen parent; and
- That custodial parent must have been physically present in the United States for five years, two of which were after the parent’s 14th birthday.

In order to benefit from these rules, an adopted child must have been adopted prior to age 16 and must meet all the requirements under immigration law for an adopted child or orphan.

Note that in this case, the child need not be a lawful permanent resident. The child only needs to be legally present in the United States after a lawful admission, for example on an unexpired tourist visa.

If a U.S. citizen parent has not fulfilled the residency requirement (proving that he/she has been physically present in the United States for five years, two of which were after the parents 14th birthday), the physical presence of the child’s U.S. citizen grandparent can be used to meet the requirement, and Certificate of Citizenship can still be obtained for the child. A person in this situation should talk with an authorized immigration law expert.

Filing Form N-600K

Form N-600K is available at www.uscis.gov/forms or by calling the toll-free forms request line at 800-870-3676. The filing fee is $600. If the individual is filing on behalf of an adopted minor child, the fee is $550. The check or money order must be made payable to “U.S. Department of Homeland Security.”

If using the U.S. Postal Service, the application must be sent to:

USCIS
P.O. Box 20100
Phoenix, AZ 85036
### Chart A: Determining Whether Children Born outside the U.S. Acquired Citizenship at Birth

- **Chart B** — Please Note: A child cannot acquire citizenship at birth through an adoption.

<table>
<thead>
<tr>
<th>PERIOD</th>
<th>PARENTS</th>
<th>RESIDENCE REQUIRED OF USC PARENT</th>
<th>RESIDENCE REQUIRED OF CHILD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Born prior to 5/24/34</td>
<td>Father or mother citizen</td>
<td>Citizen parent had resided in the U.S.</td>
<td>None</td>
</tr>
<tr>
<td>Both parents citizens</td>
<td>One had resided in the U.S.</td>
<td>Either: 1) 2 years continuous physical presence between the ages of 14 and 28, or 2) if begun before 12/24/52, 5 years residence in U.S. or its outlying possessions between the ages 13 and 21, or 3) if begun before 10/27/72, 5 years continuous physical presence between the ages 14 and 28.</td>
<td>None</td>
</tr>
<tr>
<td>Born on/after 5/24/34 and prior to 1/14/41</td>
<td>One citizen and one alien parent</td>
<td>Citizen had resided in the U.S.</td>
<td>None</td>
</tr>
<tr>
<td>Both parents citizens; or one citizen and one national</td>
<td>One had resided in the U.S. or its outlying possessions, 10 years, at least 5 of which were after age 16. If citizen parent served honorably in U.S. Armed Forces between 12/7/41 and 12/31/46, 5 of the required 10 years may have been after age 12.</td>
<td>If begun before 10/27/72, 2 or 5 years continuous physical presence between ages 14 and 28. If begun after 10/27/72, 2 years continuous physical presence between ages 14 and 28.</td>
<td>None</td>
</tr>
<tr>
<td>Born on/after 1/14/41 and prior to 12/24/52</td>
<td>One citizen and one alien parent</td>
<td>Citizen had resided in U.S. or its outlying possessions, 10 years, at least 5 of which were after age 14.</td>
<td>None</td>
</tr>
<tr>
<td>Both parents citizens</td>
<td>One had resided in the U.S. or its outlying possessions.</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>One citizen, one national parent</td>
<td>Citizen had been physically present in U.S. or its outlying possessions for a continuous period of one year.</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>One citizen, one alien parent</td>
<td>Citizen had been physically present in U.S. or its outlying possessions 10 years, at least 5 of which were after age 14.</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Born on/after 12/24/52 and prior to 11/14/86</td>
<td>Both parents citizens</td>
<td>Citizen had been physically present in U.S. or its outlying possessions for a continuous period of one year.</td>
<td>None</td>
</tr>
<tr>
<td>One citizen, one national parent</td>
<td>Citizen had been physically present in U.S. or its outlying possessions 10 years, at least 5 of which were after age 14.</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>One citizen, one alien parent</td>
<td>Citizen had been physically present in U.S. or its outlying possessions for a continuous period of 1 year.</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Born on/after 11/14/86</td>
<td>Both parents citizens</td>
<td>One had resided in the U.S. or its outlying possessions.</td>
<td>None</td>
</tr>
<tr>
<td>One citizen and one national parent</td>
<td>Citizen had been physically present in U.S. or its outlying possessions for continuous period of 1 year.</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>One citizen, one alien parent</td>
<td>Citizen had been physically present in U.S. or its outlying possessions 5 years, at least 2 of which were after age 14.</td>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>

Produced by the ILRC (October 2014) — Adapted from the INS Chart

Please Note: This Chart is intended as a general reference guide and the ILRC recommends practitioners research the applicable laws and INS Interpretations for additional information. Please see notes on next page.
CHART B: ACQUISITION OF CITIZENSHIP
DETERMINING IF CHILDREN BORN ABROAD AND
OUT OF WEDLOCK ACQUIRED U.S. CITIZENSHIP AT BIRTH

PART 1 — Mother was a U.S. citizen at the time of the child’s birth.
PART 2 — Mother was not a U.S. citizen at the time of the child’s birth and the child was legitimated or acknowledged by a U.S. citizen father.

**Please Note: A child cannot acquire citizenship at birth through an adoption.**

### PART 1: MOTHER IS A U.S. CITIZEN AT THE TIME OF THE CHILD’S BIRTH

<table>
<thead>
<tr>
<th>Date of Child’s Birth:</th>
<th>Requirements:</th>
</tr>
</thead>
</table>
| Prior to 12/24/52:     | Mother was a U.S. citizen who resided in the U.S. or its outlying possessions at some point prior to birth of child.  
**EXCEPTION:** The child will not acquire citizenship through the U.S. citizen mother if she was legitimated by the father under the following circumstances:  
1. The child was born before 5/24/34;  
2. The child was legitimated before turning 21; **AND**  
3. The legitimation occurred before 1/13/41. |
| On/after 12/24/52:     | Mother was U.S. citizen physically present in the U.S. or its outlying possessions for a continuous period of 1 year at some point prior to birth of child. |


<table>
<thead>
<tr>
<th>Date of Child’s Birth:</th>
<th>Requirements:</th>
</tr>
</thead>
</table>
| Prior to 1/13/41:      | 1. Child legitimated at any time after birth, including adulthood, under law of father’s domicile.  
2. If so, use CHART A to determine if child acquired citizenship at birth. |
| On/after 1/13/41 and prior to 12/24/52: | 1. Child legitimated before age 21 under law of father’s domicile, or paternity established through court proceedings before 12/24/52.  
2. If so, use CHART A to determine if child acquired citizenship at birth unless paternity established through court proceedings. |
| On/after 12/24/52 and prior to 11/15/68: | 1. Child legitimated before age 21 under law of father or child’s domicile.  
2. If so, use CHART A to determine if child acquired citizenship at birth. |
| On/after 11/15/68 and prior to 11/15/71: | **OPTION A:**  
1. Child legitimated before age 21 under law of father or child’s domicile.  
2. If so, use CHART A to determine if child acquired citizenship at birth.  

**OPTION B:**  
1. Child/father blood relationship established by clear and convincing evidence;  
2. Father must have been a U.S. citizen at the time of child’s birth;  
3. Father, unless deceased, must provide written statement under oath that he will provide financial support for child until she reaches 18;  
4. While child is under age 18, child must be legitimated under law of child’s residence or domicile, or father must acknowledge paternity of child in writing under oath, or paternity must be established by competent court.  
5. If #s 1–4 are met, use CHART A to determine if child acquired citizenship at birth. |
| On/after 11/15/71:     | 1. Child/father blood relationship established by clear and convincing evidence;  
2. Father must have been a U.S. citizen at the time of child’s birth;  
3. Father, unless deceased, must provide written statement under oath that he will provide financial support for child until she reaches 18;  
4. While child is under age 18, child must be legitimated under law of child’s residence or domicile, or father must acknowledge paternity of child in writing under oath, or paternity must be established by competent court.  
5. If #s 1–4 are met, use CHART A to determine if child acquired citizenship at birth. |

**Produced by the ILRC (October 2014)**

*Please Note: This Chart is intended as a general reference guide and the ILRC recommends practitioners research the applicable laws and INS interpretations for additional information.*
### CHART C: DERIVATIVE CITIZENSHIP – LAWFUL PERMANENT RESIDENT CHILDREN GAINING CITIZENSHIP THROUGH PARENTS’ CITIZENSHIP

<table>
<thead>
<tr>
<th>Date of Last Act</th>
<th>Requirements</th>
</tr>
</thead>
</table>
| Prior to 5/24/34 | a. Either one or both parents must have been naturalized prior to the child’s 21st birthday;  
   b. Child must be lawful permanent resident before the child’s 21st birthday;  
   c. Illegitimate child may derive through mother’s naturalization only;  
   d. Legitimated child must have been legitimated according to the laws of the father’s domicile;  
   e. Adopted child and stepchild cannot derive citizenship. |
| 5/24/34 to 1/12/41 | a. Both parents must have been naturalized and began lawful permanent residence in the U.S. prior to the child’s 21st birthday;  
   b. If only one parent naturalized and she is not widowed or separated, the child must have 5 years lawful permanent residence in the U.S. commencing before the 21st birthday, unless the other parent is already a U.S. citizen;  
   c. Child must be lawful permanent resident before the child’s 21st birthday;  
   d. Illegitimate child may derive through mother’s naturalization only, in which case the status of the other parent is irrelevant;  
   e. Legitimated child must have been legitimated according to the laws of the father’s domicile;  
   f. Adopted child and stepchild cannot derive citizenship. |
| 1/13/41 to 12/23/52 | a. Both parents must naturalize or if only one parent naturalizes, the other parent must be a U.S. citizen at the time of the child’s birth and remain a U.S. citizen, or be deceased, or the parent must be legally separated and the naturalizing parent must have legal custody;  
   b. Parent or parents must have been naturalized prior to the child’s 18th birthday;  
   c. Child must have been lawfully admitted for permanent residence before the child’s 18th birthday;  
   d. Illegitimate child can only derive if while she was under 16, she became a lawful permanent resident and her mother naturalized and both of these events occurred on or after 1/13/41 and before 12/23/52;  
   e. Legitimated child must be legitimated under the laws of the child’s residence or place of domicile before turning 16 and be in the legal custody of the legitimating parent;  
   f. Adopted child and stepchild cannot derive citizenship. |
| 12/24/52 to 10/5/78 | a. Both parents must naturalize or if only one parent naturalizes, the other parent must be a U.S. citizen at the time of the child’s birth and remain a U.S. citizen, or be deceased, or the parent must be legally separated and the naturalizing parent must have legal custody;  
   b. In the case of a child who was illegitimate at birth, the child must not be legitimated, and it must be the mother who naturalizes. If the child is legitimated, she can derive only if both parents naturalize, or the non-naturalizing parent is dead;  
   c. Parent or parents must have been naturalized prior to the child’s 18th birthday;  
   d. Child must have begun to reside permanently in U.S. defined in most places as having been admitted for lawful permanent residence before the child’s 18th birthday;  
   e. Child must be unmarried;  
   f. Adopted child and stepchild cannot derive citizenship. |
| 10/5/78 to 2/26/01 | a. Both parents must naturalize, or if only one parent naturalizes, the other parent must be a U.S. citizen at the time of the child’s birth and remain a U.S. citizen, or be deceased, or the parent must be legally separated and the naturalizing parent must have legal custody;  
   b. In the case of a child who was illegitimate at birth, the child must not be legitimated, and it must be the mother who naturalizes. If the child is legitimated, she can derive only if both parents naturalize, or the non-naturalizing parent is dead;  
   c. Parent or parents must have been naturalized prior to the child’s 18th birthday;  
   d. Child must have begun to reside permanently in U.S. defined in most places as having been admitted for lawful permanent residence before the 18th birthday;  
   e. Child must be unmarried;  
   f. Adopted child may derive citizenship if the child is residing in the U.S. at the time of the adoptive parent(s)’s naturalization and is in the custody of the adoptive parent(s). If a lawful permanent resident and adoption occurred before she turned 18, stepchild cannot derive citizenship. |

Anyone who, on or after 2/27/01, meets the following requirements, is a U.S. citizen:

- At least one parent is a U.S. citizen either by birth or naturalization.
- If the case of a child who was born out of wedlock, the mother must be the one who is or becomes a citizen or, if the father is a U.S. citizen through naturalization or other means, then the child must have been legitimated by the father under either the law of the child’s or father’s residence or domicile and legitimation must take place before the child reaches the age of 16.
- If the child is under 18 years old.
- If the child must be unmarried.
- If the child is a lawful permanent resident.
- If the child is residing in the U.S. in the legal and physical custody of the citizen parent.
- If the child is under 18 years old and has not been in the legal custody of the citizen parent.
- Adopted children qualify so long as they were adopted before the age of 16 and has been in the legal custody of, and has resided with, the adopting parent(s) for at least two years.

An adopted child who qualifies as an orphan under INA § 101(b)(1)(f) will also qualify for derivation.

Produced by ILRC (March 2015) - This Chart is intended as a general reference guide. ILRC recommends practitioners research the applicable law.
3. LAWFUL PERMANENT RESIDENCE / ADJUSTMENT OF STATUS

A. WHO CAN BE A LAWFUL PERMANENT RESIDENT?

Most people obtain Lawful Permanent Resident (LPR) status through a U.S. citizen or LPR who files a petition on their behalf. The document that proves they are an LPR is commonly referred to as a “green card”. Others obtain green cards through petitions filed by their employers. Finally, an even smaller group obtains green cards through special programs, such as through the diversity visa lottery or after being granted asylum or refugee status.

If you apply for lawful permanent residence outside the United States at a U.S. consulate or embassy, the process is called “consular processing”. If the government grants your application for LPR status, they will give you an immigrant visa that permits you to travel to and enter the United States as a lawful permanent resident. After you enter the United States, the government mails you your green card.

If you apply for lawful permanent resident status inside the United States, the process is called “adjustment of status”. If the government grants your application to adjust status, they will mail you your green card.

Warning! Not all individuals are eligible to obtain permanent residence in the United States even if they have approved petitions. Please see the “Who is Eligible to Adjust Status to Permanent Resident (LPR)?” section, on page 51.

B. GROUNDS OF INADMISSIBILITY

A “ground of inadmissibility” is a reason for the government to keep a foreign national out of the United States or to keep a person from getting a green card. If the government decides that you are inadmissible, it means that you cannot obtain an immigrant visa or adjust status even though you have an approved petition under one of the immigrant visa categories listed below. You may be inadmissible and thus barred from obtaining permanent residence, for instance, because you have engaged in criminal activity. The United States Citizenship and Immigration Services (USCIS) may forgive or waive your inadmissibility, although getting a waiver is often very difficult. If USCIS grants you a waiver, you can obtain your immigrant visa or adjust status despite the ground of inadmissibility.

There are ten grounds of inadmissibility. Three common ground of inadmissibility are persons who are a danger to public safety, public health, or who may become public charges. You may be inadmissible under the public safety ground if you engaged in certain criminal activity or have certain criminal convictions. You might also be inadmissible if the government considers you to be a threat to national security because they think you are a spy or a terrorist. Individuals who have certain contagious diseases are also inadmissible under the public health grounds. Public charges are those immigrants who are likely to become financially dependent on the government. If you have committed fraud or misrepresented yourself to gain an immigration benefit or admission to the United States, the government will generally consider you to be inadmissible.
C. FAMILY-BASED PERMANENT RESIDENCE

You may qualify for a family-based green card if you are the Immediate Relative (IR) of a U.S. citizen. There is no limit to the number of immigrant visas issued to this category. There is a minimum of 226,000 immigrant visas issued per year divided among four family based preference categories. How quickly you can receive the green card depends on the category to which you belong and the number of people applying for family-based green cards from your country.

The Immediate Relatives (IR) of a U.S. citizen includes the following:

- Spouse
- Unmarried child (under age 21)
- Parent, if the citizen is age 21 or older
- Spouse of a deceased U.S. citizen, if at the time of the citizen’s death the couple was not legally separated or divorced. The spouse must apply within two years of the U.S. citizen’s death. If the widow/er remarries, he/she no longer qualifies. This law was changed on October 28, 2009. Previously the married couple had to be married for two years prior to the death of the U.S. citizen spouse. Those who could have qualified, had the change been in effect prior to October 28, 2009, had until October 28, 2011 to file.

The Family-Based Preference Categories are:

- First Family-based Preference (F1): Unmarried sons and daughters (21 or older) of U.S. citizens.
- Second Family-based Preference A (F2A): Spouses and unmarried children (under age 21) of lawful permanent residents.
- Second Family-based Preference B (F2B): Unmarried sons and daughters (21 or older) of lawful permanent residents.
- Fourth Family-based Preference (F4): Brothers and sisters of U.S. citizens provided the U.S. citizen is 21 or older when the petition is filed.

For purposes of getting a green card, USCIS defines a “child” as someone who is unmarried and under 21-years-old. “Sons and daughters” generally refers to children 21 and older. The definition of “child” includes not only children born to a married couple but also certain adopted children, orphans, stepchildren and children born out of wedlock. Individuals under 21 who get married are no longer considered children, and will not qualify as Immediate Relatives of a U.S. citizen.

D. EMPLOYMENT-BASED PERMANENT RESIDENCE

U.S. immigration law recognizes the value of immigrant labor to U.S. global competitiveness and job creation. You may be able to get a green card if you have advanced education and unique skills, outstanding talent, or even willingness to work at a job that U.S. workers are not willing and able to fulfill. You may also qualify for a green card by investing in a business. Immigrant visas in this category are referred to as “employment-based visas.”
There is a limit of 140,000 visas annually for all employment-based immigrants, but that does not always mean a long wait. How quickly a person can obtain an employment-based green card depends on that person's Preference Category and on the number of people applying for employment-based green cards from a particular country.

The following is a list of the Employment-Based Preferences:

- First Employment-based Preference (EB-1): Persons with extraordinary abilities, outstanding professors and researchers, and multinational executives or managers.
- Second Employment-based Preference (EB-2): Professionals holding advanced degrees or persons with exceptional ability.
- Fourth Employment-based Preference (EB-4): Includes certain religious workers, former U.S. government employees, and certain NATO employees, and more recently, nationals of Iraq or Afghanistan who work or have worked directly with the U.S. Armed Forces in those countries for at least twelve months.
- Fifth Employment-based Preference (EB-5): Employment creation (investor). Visas are available for people investing between U.S. $500,000 and $1,000,000, in a commercial enterprise in the United States which creates at least 10 new full-time jobs.

Individuals interested in employment-based visas should find a private lawyer, which can be done through the New York City Bar Legal Referral Service, 212-626-7373 or AILA's Immigration Lawyer Search service at www.ailalawyer.com.

E. OTHER POSSIBILITIES FOR PERMANENT RESIDENCE

Even if you do not qualify in one of the relative or employment categories, you might still be able to get a green card through one of the following methods:

Fiancé(e)s

Only a U.S. citizen can bring a fiancé(e) to the United States on a K-1 visa. The citizen and the fiancé(e) must have met face-to-face within two years prior to the filing of the petition. USCIS may make an exception from this requirement if traveling abroad would result in extreme hardship to the U.S. citizen for example, due to a serious medical condition. USCIS can also make an exception if a meeting before the wedding violates the customs of the U.S. citizen's or fiancé(e)’s social practice or culture, (for example, when a religion prohibits a prospective bride and groom from meeting prior to their wedding day).

To bring a fiancé(e) into the United States, a U.S. citizen must file Form I-129F, Petition for Alien Fiancé(e). A U.S. citizen with certain criminal convictions may be ineligible to file a petition on behalf of his/her fiancé(e). Such problematic convictions include domestic violence, offenses against children, and drug or alcohol-related offenses. Once USCIS approves the petition, it will forward the case to the National Visa Center, which will then send it on to the appropriate U.S. consulate to schedule the fiancé(e) for an interview. If the consular officer grants the fiancé(e) the K-1 visa, the fiancé(e) can enter the United States. The fiancé(e) is authorized to stay in the United
States for 90 days. During that time, the fiancé(e) and the U.S. citizen are expected to marry. A K-1 visa holder who does not marry the USC fiancé(e) should consult an authorized immigration law expert.

Once married, the fiancé(e) can apply to adjust status to lawful permanent resident. Children under 21 can accompany the fiancé(e) on K-2 visas and may also file to adjust status. If the U.S. citizen and the fiancé(e) marry after 90 days, the fiancé(e) may still be able to adjust status but USCIS will also require the U.S. citizen to file an immediate relative petition.

With rare exceptions, an individual who enters the United States on a K-1 visa may only adjust status to permanent resident through the U.S. citizen spouse who filed the fiancé(e) petition. A decision by the Board of Immigration Appeals (BIA) issued in 2011 determined that a fiancé(e) who marries and divorces the U.S. citizen who filed the K-1 visa application may still be eligible for permanent residence based on marriage to the petitioner even though the marriage has ended. USCIS will require proof that the marriage was bona fide (genuine).

**Derivative Beneficiaries**

A principal beneficiary is a person for whom a family-based or employment-based immigrant visa petition has been filed. A derivative beneficiary is the spouse or unmarried child (under 21) of that person. The term “derivative” is used because the person’s right to immigrate derives or comes from the spouse or parent (who is the principal beneficiary). There are no derivative beneficiaries for immediate relatives.

Under the derivative beneficiary rule, if you are coming to the United States as a principal beneficiary under one of the Family or Employment-based Preferences, you can immigrate with your spouse and unmarried children under age 21. The spouse and children do not need to have separate petitions filed for them. The spouse and children can even follow to join you after you have already immigrated, provided that you were married to the derivative spouse and/or that the derivative children were born before you became a permanent resident.

The U.S. immigration law does not permit immediate relatives of U.S. citizens to bring their spouse and children with them as derivative beneficiaries. This means that if you were granted an immigrant visa as an Immediate Relative (spouse, parent, or unmarried child under age 21 of a U.S. citizen), you would not automatically bring your spouse or children to the United States. Once you (as an immediate relative of a U.S. citizen) become a lawful permanent resident, then you could petition for your spouse and children, in the F2A or F2B family preference categories (as discussed earlier). Your spouse or children may have to wait a number of years, however, to get lawful permanent residence.

If you are a U.S. citizen and you petition for your spouse, you may also petition separately for your step-children (who must have been under 18 when you married the step-child’s parent).

Similarly, if you are a U.S. citizen and you petition for your parents, you may also file separate petitions for your siblings, though your siblings must wait a significant number of years (ten or more) before immigrating. If you are a U.S. citizen, you can file separate petitions for each of your siblings regardless of their ages. The sibling’s spouse and children may derive status through your sibling.
Derivative Beneficiaries and the Child Status Protection Act

Some derivative children who turned 21 may benefit from the Child Status Protection Act (CSPA), and retain classification as a child. For more information about CSPA see page 54.

Green Card/Diversity Visa (DV) Lottery

Each year, the U.S. government issues up to 55,000 visas to applicants who are “natives” of countries with low rates of immigration to the United States. These are countries where fewer than 50,000 people have immigrated during the preceding five years. For lottery purposes, you are a “native” of a qualifying country if:

- you were born in the qualifying country; OR
- your spouse was born in the qualifying country; OR
- you are under 21 and unmarried, and one of your parents was born in a qualifying country, and neither of your parents was born in your country of birth, but your parents resided in your country of birth at the time of your birth.

Entry into the lottery can be done from inside or outside the United States. To enter the lottery, you must also have at least a high school education or its equivalent or have worked for two years (within the past five years) in an occupation requiring at least two years of training or experience.

The U.S. Department of State (DOS) administers the green card lottery. Each year DOS publishes a list of the qualifying countries. The list changes every year, so you must check each year to see if your country is included. Lottery entry rules can change every year. DOS usually issues the new rules in August. To get the latest Diversity Visa Lottery information, visit the DOS website at www.dvlottery.state.gov.

If your application for the lottery is selected by DOS, a green card is still not guaranteed. A person's immigration history, current status if living in the United States, as well as the Diversity Lottery processing times will affect whether a person can adjust status or apply for an immigrant visa abroad. Visa issuance or adjustment of status based on a winning entry must occur before September 30th of the same fiscal year.

Asylees and Refugees

Individuals who are in the United States and are afraid to return to their home country because they have a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion may apply for asylum. Refugees fall within this same definition but receive their status abroad before entering the United States. Asylees and refugees can apply for permanent residence after one year in that status. Merely not wanting to go back to your country does not qualify you for asylum. Being granted asylum status is not easy. If you are interested in applying for asylum, you should meet with an authorized immigration law expert to determine whether you meet all of the requirements. Filing a frivolous asylum application can bar you from receiving any kind of immigration benefit in the future.

Special Immigrants

Certain immigrants in Special Immigrant categories are eligible for green cards. The Special Immigrant category includes juvenile dependents of the court, certain dependents of diplomats, holders of “S” visas (informers on terrorists or criminals), holders of “T” visas (victims of human
trafficking), holders of “U” visas (victims of certain qualifying crimes), and certain people who have served on active duty in the U.S. armed services for 12 years (or six years for those who reenlist for six additional years). Each of these categories has its own rules.

**Unusual or Difficult Categories**

The immigration laws provide a few unusual ways to become a permanent resident. Speak with an authorized immigration law expert before trying to get a green card in one of these categories. These ways include:

- **Cancellation of Removal**: If you are in removal (deportation) proceedings and have resided continuously in the United States for ten years, you might be eligible for “cancellation of removal.” If you are a battered spouse, child, or parent of a battered child, you must have continuously resided in the United States for only three years. The law provides different kinds of cancellation of removal. For the basic kind of cancellation of removal, you must prove “exceptional and extremely unusual hardship” to your spouse, parent, or child and demonstrate good moral character. Hardship to oneself is not sufficient. Also, the spouse, parent, or child must be a U.S. citizen or lawful permanent resident.

  **Warning**: Cancellation of removal can only be granted in an immigration court by an immigration judge. USCIS cannot grant you cancellation. If you are undocumented and apply for cancellation of removal and the judge grants the application, you become a permanent resident. If the judge denies the application, the judge may order you removed (deported). If you think that you qualify for cancellation of removal, you should not just walk into a USCIS office. You might be detained on the spot. Instead, you should get advice from an authorized immigration law expert. People incorrectly refer to cancellation of removal as “the ten year visa”. Beware because some unscrupulous immigration service providers charge people to apply for cancellation without explaining the risk of removal to the client.

- **Private Bills**: A Private Bill is an act of Congress granting permanent residence to an individual. Congress very rarely passes Private Bills. A member of Congress needs to sponsor the bill and get it passed in both the Senate and the House of Representatives.

  In order to get a green card based on a Private Bill, you must show an extraordinary humanitarian reason why you should get a visa.

- **Special Rules for Certain Nationalities**: Over the years, Congress has made green cards available to immigrants based on nationality, in addition to the categories in the immigrant visa system. In the past, Nicaraguans, Cubans, Haitians, Salvadorans, Guatemalans, natives of former Soviet Bloc countries, and Syrian Jews have been granted green cards under nationality-specific laws. One example of such a law is the Haitian Refugee and Immigration Fairness Act of 1998 (HRIFA).

- **NACARA**: Nicaraguan Adjustment and Central American Relief Act (NACARA) provides special opportunities for permanent residence for certain natives of Nicaragua, Cuba, El Salvador, Guatemala, and former Soviet Bloc countries. The filing dates for NACARA have passed. If you think you may have qualified for a NACARA green card, see an authorized immigration law expert for advice.
• “Amnesty” and “Late Amnesty”: In 1986, Congress passed a legalization or “amnesty” law. Under this law, people who lived in the United States continuously and unlawfully since before January 1st, 1982 could apply for lawful permanent residence. “Amnesty” visas were also granted to certain agricultural workers. The deadline to apply for “amnesty” was May 4, 1988.

After the deadline, many “amnesty” applicants complained that they were unlawfully turned away by USCIS and Qualified Designated Entities (QDEs) due to confusion over rules and regulations. QDEs were community-based non-profit organizations authorized to accept “amnesty” applications. USCIS was forced by the federal courts to accept late amnesty applications, after class action lawsuits, referred to as “CSS/LULAC” cases, were filed. The deadline to apply for “late amnesty” was December 31, 2005.

To qualify under “CSS/LULAC” (“late amnesty”), you must have been in the United States since before January 1, 1982, and failed to file for “amnesty” because the USCIS unlawfully discouraged you from filing or, had your application denied because you left the United States for brief periods. “Late amnesty” was not a new “amnesty” program, even though applicants were allowed to apply a long time after the original filing deadline. “Late amnesty” applicants still had to meet the requirements of the original 1986 amnesty law. Many of those who applied for “late amnesty” were able to obtain work authorization. If you first came to the United States after January 1, 1982 and filed for “amnesty” or “late amnesty”, you are not eligible for permanent residence, under this program, even if a work authorization card was issued to you.

• Family Unity Program: The spouse and unmarried children under 21 of individuals who received temporary or permanent residence through one of the above amnesty programs qualify for permanent residence under special rules. If you have questions about the Family Unity Program, you should see an authorized immigration law expert for more information.

• Registry: If you entered the United States before January 1, 1972 and have resided in the United States continuously since entering, you might qualify for permanent residence based on the many years you have lived in the United States. Many of the usual requirements for a green card, such as proving a person is not a public charge, do not apply to Registry applicants. If you think you might qualify for Registry, see an authorized immigration law expert for advice.

F. WHO IS ELIGIBLE TO ADJUST STATUS TO LAWFUL PERMANENT RESIDENT (LPR)?

As discussed in previous sections becoming a green card holder (permanent resident) varies by category and depends on whether you live inside or outside the United States. Adjustment of Status (AOS) is the process by which an individual applies for lawful permanent resident status without leaving the United States. Not everyone in the United States who qualifies for permanent residence can apply for adjustment of status. Some individuals need to return to their home country and apply for an immigrant visa at a U.S. consulate. This process is known as consular processing. Before leaving the United States to consular process, please speak to an authorized immigration law expert. You may trigger a ground of inadmissibility and might not receive an immigrant visa or green card.
You might qualify to adjust status in the United States under certain circumstances if you meet one of the following criteria:

- You were inspected upon entry, were never out of status, and never worked without permission.

- If you are an Immediate Relative of a U.S. citizen, you may apply to adjust status even if you are now out of status or have worked without authorization.

- You are applying based on your status as a refugee or asylee. Asylees must wait one year after the approval of their asylum status to apply to adjust status. Refugees must wait for one year after their admission to the United States before applying.

- You are an employment-based immigrant visa applicant or a special immigrant religious worker who entered the United States lawfully and was not out of status, did not work unlawfully or otherwise violate your status for more than 180 days total since your last lawful entry.

- You are self-petitioning under the Violence Against Women Act (VAWA).

- Nonimmigrant U (victim of crime) or T (victim of human trafficking) visa holders must wait three years before applying.

- Your Special Immigrant Juvenile petition was approved.

- You were granted a S (informant) nonimmigrant visa.

- You are applying for permanent residence under Registry or NACARA.

- You are a Cuban national applying under the Cuban Adjustment Act and you were admitted or paroled into the United States any time after January 1, 1959 and have been present in the United States for at least one year after your entry.

Excluded from adjusting status under this rule are those who entered as crewmembers, travelers who entered with transit visas and those who came on Fiancé(e) visas and did not marry their U.S. citizen petitioners. A K-1 Fiancé(e) visa holder may still adjust status in the United States if the couple divorced before the adjustment of status application is adjudicated. Speak with an authorized immigration law expert before applying to adjust status.

**245(i) “Grandfather Clause”**

Section 245(i) was a provision in the law that allowed individuals to pay a penalty fee to waive immigration violations (such as having entered the United States without inspection [EWI], overstaying a visa, or working without employment authorization) and apply for AOS. Congress phased out the law on January 14, 1998. However, persons who already qualified under the law as of that date were “grandfathered” into the benefits of 245(i). Congress added a subsequent extension on December 21, 2000 and extended the eligibility period until April 30, 2001.

In order to benefit from Section 245(i) or the “Grandfather Clause”, an applicant must show that a family or employment-based petition or a Labor Certification application was “properly filed” by the April 30, 2001 deadline. Properly filed means that the application or petition was either physically received by or postmarked on or before April 30, 2001. The law allows applicants to file based on a new or different petition even if the original petition was not approved or adjustment was denied. The test for whether the applicant is eligible to apply under Section 245(i) is whether the original petition was “approvable” on the date it was filed.
245(i) is only relevant when discussing adjustment of status and only applies to people who are in the United States. If someone is applying for a green card (immigrant visa) outside the United States, Section 245(i) does not help them. It also does not protect someone from removal (deportation).

Under Section 245(i) you can adjust status by paying an unwaivable $1,000 penalty in addition to the regular filing fee and fulfilling one of the following criteria:

- A relative or employer filed a petition for you or an employer filed a Labor Certification application on your behalf before January 14, 1998;
- A relative or employer filed a petition for you, or an employer filed a Labor Certification application on your behalf between January 14, 1998 and April 30, 2001, and you were physically present in the United States on December 21, 2000;
- You are a derivative beneficiary of a 245(i) “grandfathered” individual. In other words you are a derivative beneficiary of someone who meets one of the above criteria.

If you are undocumented and you do not meet any of the above criteria, it is likely that the only way to apply for permanent residence is to return to your home country to process your paperwork through the U.S. consulate (consular processing).

**Unlawful Presence Rule: Three and Ten-Year Bars to Re-entry**

If you are present in the United States without authorization then you are in unlawfully present. For a full definition of “unlawful presence” please see the glossary. If you have accrued unlawful presence and you leave the United States for any reason, even for a visa interview, you may face a severe penalty!

You are bared from admission to the United States for three years if you have been in the United States unlawfully for more than 180 days. If you have been unlawfully present in the United States for 365 or more days the bar is 10 years. The unlawful presence bar is triggered by leaving the United States. If you are eligible for AOS without leaving the United States, the bars will not apply to you as long as you never left the country after accruing unlawful presence.

Unlawful presence has only been a part of immigration law since April 1, 1997. Unlawful presence before that date does not trigger the bar. The bars also do not apply to unlawful presence accrued before an individual’s 18th birthday. F-1 and J-1 nonimmigrants are admitted for “duration of status”. They do not accrue unlawful presence even if they fall out of status (for example by dropping out of school), unless USCIS or an immigration judge determines that the individual is no longer in status.

As of March 4th, 2013, USCIS began accepting applications from certain immediate relatives of U.S. citizens requesting a provisional waiver of unlawful presence. This process does not waive all grounds of inadmissibility (for example, crimes, fraud, etc.) Instead, it waives only the ground of inadmissibility for unlawful presence. If you are eligible for a provisional waiver as the immediate relative of a U.S. citizen, you can apply for the waiver and wait for a decision inside the United States before leaving to apply for your immigrant visa at a consulate abroad. You must prove extreme hardship to your U.S. citizen spouse and/or parent (NOT your U.S. citizen child) in order for the provisional waiver to be granted. (See section 5 for detailed information on the provisional waiver.)
G. WAITING TIMES

In most instances when adjusting under one of the employment or family preference categories, there are two steps when immigrating to the United States as a permanent resident. Each step has different processing times. First, the petition is filed on your behalf by a family member or employer. Depending on who filed the petition on your behalf, you may be subject to a waiting period before being able to apply for your green card.

Second, you must apply for lawful permanent residence (your green card). To find out when you will be able to apply for a green card through a family-based or employment-based category, see the Visa Bulletin, which is available online at [www.travel.state.gov](http://www.travel.state.gov). The same information can be obtained via phone by calling the U.S. Department of State at 202-663-1541. This information will indicate the duration of time you must wait between the date your petition was filed and the date you can apply for your green card. The U.S. Department of State publishes a new visa bulletin every month that contains current waiting times for visa applicants.

Applicants filing in the New York USCIS District for adjustment of status to permanent resident can expect to wait approximately three to five months from the date of filing to be interviewed if an interview is required by USCIS.

H. CHILD STATUS PROTECTION ACT

When a child turns 21, they might “age out” of eligibility for certain immigration benefits. The Immigration and Nationality Act (INA) defines a “child” as an unmarried person under 21-years of age. The Child Status Protection Act (CSPA) was enacted on August 6, 2002 to provide relief to children who “age-out” as a result of delays by USCIS in processing visa petitions as well as asylum and refugee applications. CSPA does not change the definition of a “child,” but it changes how the child’s age is calculated for immigration purposes. Consult an authorized immigration law expert for assistance with calculating under CSPA.

The method of calculating the beneficiary’s age varies depending on the type of immigration benefit being sought. CSPA applies to children of U.S. citizens; derivative beneficiaries of asylum and refugee applications; children of Lawful Permanent Residents; and derivative beneficiaries of family-based, employment-based and diversity lottery cases.

CSPA does not apply to K and V visa applicants, NACARA, HRIFA, Family Unity, or Special Immigrant Juvenile or Cuban Adjustment cases.

Immediate Relatives

For immediate relatives of U.S. citizens, to be considered a “child,” Form I-130, Petition for Alien Relative, must be filed prior to the beneficiary’s 21st birthday. They must also remain unmarried.

If the I-130 was filed while the parent was an LPR, the beneficiary can be considered an immediate relative as long as the petitioner naturalizes before the beneficiary’s 21st birthday. The beneficiary must remain unmarried.

Asylum and Refugee Status

For children of asylum seekers and refugees, the application or petition, for refugee/asylee status, must have been made prior to the child’s 21st birthday. The child must remain unmarried.
Preference Categories and Derivatives

Sons and daughters of lawful permanent residents, derivative beneficiaries on family and employment-based petitions, and derivative beneficiaries on diversity visa lottery cases may be able to benefit from CSPA under certain circumstances. Preference category beneficiaries and derivative beneficiaries must use a formula to calculate whether they still qualify as “child.”

The relevant dates used to make the calculation are:

- The filing date listed on the USCIS receipt notice for Form I-130 or Form I-140 Immigrant Petition for Alien Worker;
- The date the petition was approved (from USCIS approval notice);
- The date on which an immigrant visa becomes available (the first day of the month in which the Visa Bulletin shows the priority date is current);

**Note:** The beneficiary must file for permanent residence within one year of the immigrant visa becoming available in order to lock her/his age in as under 21.

If you are the beneficiary and you are attempting to calculate your adjusted age under the CSPA, take your age on the day that the immigrant visa becomes available and subtract from it the number of days that the petition was pending (that is, the date of filing minus the number of days to the date of approval). If your adjusted age is under 21 years, then you may be protected under CSPA. If your adjusted age is 21 or older, then you might not be protected by CSPA. Consult with and authorized immigration law expert to confirm if you are protected by the CSPA because this area is very complicated.

The following examples are provided to clarify this calculation.

### Formula for Finding CSPA Age

<table>
<thead>
<tr>
<th>Beneficiary's CSPA Age</th>
<th>=</th>
<th>Beneficiary's actual age on date visa becomes available</th>
<th>Number of days petition was pending*</th>
</tr>
</thead>
</table>

*Petition Pending = Number of days between petition filing and approval

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A. The Lawful Permanent Resident (Green Card) mother filed Form I-130 in 2002 when the beneficiary was 19 (putting the child in the family preference category F2A). The priority date became current in 2006 when the beneficiary was 23. The I-130 was approved in 2005. The beneficiary in this case can remain in the family preference category F2A because the three years that the I-130 was pending (from 2002 filing to 2005 approval) can be subtracted from the age at the time the priority date became current (23) making her adjusted age under the CSPA 20. Note that she must apply within one year of visa availability in order to lock herself in as a “child” under the CSPA.
B. Form I-140 was filed in 1998 for the mother. The derivative child was 18 years old at the time. Two years later in 2000, the I-140 was approved, and in 2002, the visa bulletin shows that the priority date was current. However, the child took no further action on the petition in 2002. The child’s adjusted age under the CSPA would be 20 (22 years old when immigrant visa becomes available minus the two years that the I-140 was pending). Now the derivative beneficiary wants to apply for adjustment of status. Unfortunately, she cannot because even though her CSPA age is 20, she did not file Form I-485, Application to Register Permanent Residence or Adjust Status or apply for an immigrant visa, within one year of the priority date becoming current. She should have taken action on the case before the one year mark of the immigrant visa becoming available in 2002.

C. Form I-130 was filed in 2002 when the derivative beneficiary was 20, and approved one year later in 2003. The priority date did not become current until 2006. The derivative beneficiary’s adjusted age under the CSPA would be 23 (24-years-old when the immigrant visa became available minus the one year the petition was pending), which means that she is no longer eligible under that petition. She has “aged out” and cannot adjust her status based on the I-130.

In order to take action on the case within one year of the immigrant visa becoming available, one of the following must occur:

- The beneficiary must seek to acquire permanent residence within a year of the priority date becoming current.

- In “follow-to-join” cases, where the primary beneficiary adjusts status in the United States and the derivative beneficiary is outside of the United States and will be going through consular processing, Form I-824, an application to notify the consulate, must be filed within one year of the primary beneficiary becoming an LPR.

- In cases where both the primary and derivative beneficiaries will process outside of the United States, the derivative must file U.S. Department of State Form DS-260, Immigrant Visa Electronic Application, within one year of the priority date becoming current.

CSPA and the USA Patriot Act

A 45-day extension (of the filing within one year requirement) was provided for in the USA Patriot Act and can be used to benefit persons who are eligible and who would have turned 21 before August 6, 2002.

The “Opt Out” Provision

The Second Family-based Preference (F2B) category applies to unmarried sons and daughters of LPRs. When an LPR petitioner naturalizes, the petition automatically upgrades from the F2B category to unmarried adult children of U.S. citizens in the First Family-based Preference (F1) category. CSPA allows for beneficiaries to opt out of the automatic conversion and remain in the F2B category if upgrading to F1 category will cause a longer wait for the beneficiary.

Currently, “opting out” is only useful in one circumstance: beneficiaries from the Philippines. For example, notice in the Visa Bulletin for February 2015 that in most countries, F1 category cases
receive immigrant visa numbers less than a year before F2B cases do. The one exception is for F1 adult unmarried children in the Philippines. In that case, F2B unmarried sons and daughters of permanent residents have visa numbers available if the I-130 was filed in 2003. By comparison, for the cases of F1 unmarried sons and daughters of U.S. citizens, the Department of State is still adjudicating cases filed in 2001. It will be faster to process as the unmarried son or daughter of a permanent resident. Therefore, beneficiaries in the Philippines may remain in the F2B category rather than have their cases converted to F1 category cases.

**Note:** Since processing times may change, check the latest Visa Bulletin for current processing times.

Please see examples below:

A. For February 2015, the cut-off date for the adult unmarried sons and daughters of LPRs (F2B) is May 22, 2008 and the cut-off date for F1 unmarried sons and daughters of U.S. citizens is July 22, 2007. If an LPR files Form I-130 for his 24-year-old, unmarried French son and then naturalizes, the son’s immigrant category would automatically transfer from F2B to the F1 category. This will delay the son’s case by about 10 months. He may opt out of the automatic conversion of preference category in order to avoid the delay.

B. For February 2015, the cut-off date for Filipino adult unmarried sons and daughters of LPRs (F2B) is February 22, 2004, but the cut-off date for Filipino F1 unmarried sons and daughters of U.S. citizens is January 8, 2005. In this case, if the LPR files Form I-130 for her 24 year old, unmarried Filipino son and then naturalizes, the son will most likely utilize the automatic conversion to the F1 category, because the visa will become available almost a year sooner than in the F2B category.
4. DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

On June 15, 2012, President Obama announced that, due to Congress’ failure to pass the DREAM Act (the Development and Relief of Alien Minors Act), he directed the United States Department of Homeland Security (DHS) to stop the removal (deportation) of certain young people. Specifically, the program is intended for those who arrived in the United States at an early age who know no country other than the United States as home. They are people with no or very minor criminal histories and are a low priority to be removed from the United States.

President Obama determined that because this population is such a low priority to be removed from the United States they should be able to apply for a special type of Deferred Action. Deferred Action is a decision by the immigration authorities not to remove (deport) a person because it has been determined that the person is not a high priority for deportation. Deferred Action for Childhood Arrivals (DACA), is a form of Deferred Action that was created specifically for undocumented youth who meet certain criteria. After being granted DACA, a person can be granted a work permit if he/she can demonstrate an economic necessity to work.

A. REQUIREMENTS FOR DACA

The following are the requirements to qualify for DACA:

1. You have entered the United States before your 16th birthday;
2. You were physically present in the United States on June 15, 2012 and at the time you submit the request for DACA;
3. You have continuously resided in the United States since **June 15, 2007** up to the present time;

4. You were under age 31 on **June 15, 2012**;

5. You entered the United States without inspection before **June 15, 2012**, or if you entered the United States legally, your immigration status was expired as of **June 15, 2012**;

6. You are in school, have a high school degree or General Education Degree (GED) certificate, or have been honorably discharged from the U.S. Armed Forces or Coast Guard;

7. You have not been convicted of a felony, a “significant misdemeanor,” three or more other misdemeanors, and you do not otherwise pose a threat to national security or public safety. (Determining whether an offense is considered a “significant misdemeanor” for purposes of DACA should be determined by an authorized immigration law expert.); and

8. You are at least 15 years old (unless you are in immigration detention).

### B. DACA REQUEST MAILING ADDRESS, FEES, SUPPORTING DOCUMENTS AND FORMS (FOR INDIVIDUALS IN NEW YORK, NEW JERSEY, AND CONNECTICUT)

- In order to submit a request for DACA, you must mail the following forms simultaneously, along with supporting documents:
  - Form I-821D, Consideration of Deferred Action for Childhood Arrivals,
  - Form I-765, Application for Employment Authorization, and
  - Form I-765WS, Worksheet

- Along with your request, send a money order or check for $465 (which includes the cost of the application, the employment authorization document, and biometrics.) Make the check or money order payable to: **U.S. Department of Homeland Security**.

  **Note:** There is no fee waiver for a request for DACA. The government under limited circumstances, however, will grant exemptions of the fee. A person seeking an exemption from the $465 fee must first submit to the DHS a request for a fee exemption and wait for an approval from the government and then the approval notice is submitted with the request for DACA.

- If you mail your request and supporting documents using the **U.S. Postal Service**, you must mail them to:

  USCIS
  P.O. Box 5757
  Chicago, IL 60680-5757
• If you mail your request and supporting documents by USPS Express Mail or courier (for instance, Fed Ex), then you must send them to:

USCIS, Attn: DACA
131 S. Dearborn, 3rd Floor
Chicago, IL 60603-5517

C. WHAT TO EXPECT AFTER YOU SUBMIT YOUR DACA APPLICATION

Everyone who submits a request for DACA must get their biometrics (fingerprints, photographs, and signature) taken at a DHS Application Support Center (ASC) and undergo and pass a background check. If an applicant does not pass the background check, then the DHS will deny their request. After USCIS receives your request, they will review it to make sure it is complete and the fee is correct. Within about a week or two of accepting the request for DACA, the USCIS will then send two receipt notices by regular mail - one for the DACA application Form 821-D, and one for the employment authorization application, Form I-765. You can then track your case online at the USCIS website at www.uscis.gov by entering your receipt number in the “case status” box on the homepage. Within a week or two of sending the receipt notices, USCIS will send you a biometrics appointment notice. There generally is no interview for the DACA application. Interviews are at times randomly scheduled to verify the integrity of the process and also in cases where there are concerns about fraud.

If USCIS grants your request for DACA, they will send you an I-821D Approval Notice. USCIS will then decide the application for the work permit. If USCIS approves your application for the work permit, you will receive an I-765 Approval Notice in the mail. Then, separately, you will receive the work permit.

If USCIS denies a request for DACA, they automatically deny any request for a work permit. If your request for DACA is denied, you should speak to an authorized immigration law expert. There is no appeal of a denial of DACA.

Note: If a person is granted DACA, they do not have legal status. Instead, the person has a “period of authorized stay” in the United States for two years (that is, permission to be in the United States even though they do not have legal status). The person must apply to renew DACA (and pay the fee again) before the end of the two years.

D. BENEFITS YOU MAY BE ELIGIBLE FOR ONCE GRANTED DACA

Once your DACA application is approved and you receive your work permit, you can:

• Apply for a Social Security card.

• Obtain a New York State ID or driver’s license.

• Obtain in state tuition at the City University of New York (CUNY) and the State University of New York (SUNY) if you have resided in New York for at least a year (before or after receiving DACA). Go to your campus’ registrar with proof that you were granted.
• Be eligible for Medicaid and Family Health Plus, if residing in New York, as long as you also meet the income requirements for these programs.

**DACA and Other Public Benefits**

Those who are granted DACA are not eligible for any federal public benefit, including federal financial aid, food stamps, housing subsidies and the Pre-existing Condition Insurance Plan Program. Also, they will not be eligible to purchase health insurance through the federal Healthcare Exchange.
5. PROVISIONAL OR STATESIDE WAIVER OF UNLAWFUL PRESENCE

On March 4, 2013, the United States Citizenship and Immigration Services (USCIS) began accepting applications to waive the unlawful presence ground of inadmissibility for certain immigrants. The process permits certain “immediate relatives” of U.S. citizens, who will trigger the three or ten year bars for unlawful presence if they leave the United States, to apply for a waiver and wait inside the United States for a decision on the waiver. They file the Form I-601A, Application for Provisional Unlawful Presence Waiver. This allows the “immediate relative” to remain together with her/his American family inside the United States instead of waiting outside the United States for the USCIS to decide the application, which can take up to one year to process. It also provides the “immediate relative” with more certainty that their immigrant visa will be approved.

It is important to note that the provisional waiver does not change the immigrant visa process. Even if the waiver for unlawful presence is approved, the intending immigrant must depart the United States for the immigrant visa interview at the U.S. embassy or consulate abroad.

A. REQUIREMENTS FOR THE PROVISIONAL WAIVER

You must:

1. Be at least 17 years old;
2. Be physically present in the United States;
3. Be subject to ONLY the unlawful presence ground of inadmissibility;
4. Have an approved Form I-130 as (a) the husband, (b) wife, (c) unmarried child under age 21, (d) widow(er) of a U.S. citizen or (e) parent of a U.S. citizen,
5. Have an immigrant visa case pending with the U.S. Department of State as evidenced by a Visa Processing Fee receipt,
6. Demonstrate “extreme hardship” to a U.S. citizen (not LPR) spouse or a U.S. citizen (not LPR) parent if the provisional waiver is not granted. Remember: the law prohibits demonstrating extreme hardship directly to children; and
7. Demonstrate that you merit a favorable exercise of discretion by USCIS. You must show the positive factors of your case outweigh the negative factors to such an extent that USCIS should grant your waiver.

Who is not eligible for the provisional waiver program?

The provisional waiver program is not open to:

- People who are eligible to adjust status in the United States.
- People who are outside the United States.
- Certain individuals in removal proceedings. Individuals in removal proceedings should contact an authorized immigration law expert for more information.
• People who are subject to other grounds of inadmissibility in addition to unlawful presence.
• People in the employment-based and family-based preference categories.
• People with prior orders of exclusion, deportation, or removal.

Certain family-based preference categories will soon be eligible. See subsection D for the proposed changes.

B. PROVISIONAL WAIVER APPLICATION, MAILING ADDRESS, FEES, SUPPORTING DOCUMENTS AND FORM

• Notify the U.S. Department of State (DOS) National Visa Center (NVC) in New Hampshire immediately after paying the immigrant visa processing fee of your intent to file the application for the provisional waiver by sending an email to NVCi601a@state.gov. Reference the NVC case number or USCIS receipt number in the subject line of the email. The email should also include the applicant for the immigrant visa’s name, date of birth, and the petitioner’s name and date of birth. Also include the name and contact information for the legal representative of record (if applicable). In the email, you must state your intent to apply for a provisional waiver with USCIS. This is to help NVC and USCIS coordinate their efforts. If you fail to notify the NVC of your intent to file the provisional waiver application, then the NVC may proceed to schedule the immigrant visa interview. This may result in delays in processing the case if you do not appear for the immigrant visa interview (because you are waiting for the processing of the provisional waiver application inside the United States).

• Once you have completed the previous step, apply for the provisional waiver using Form I-601A, Application for Provisional Unlawful Presence Waiver. Mail the form to USCIS, P.O. Box 4599, Chicago, IL 60680. Along with the form, you need to include a check or money order for $670 (which includes the filing fee of $585 and the biometric fee of $85.) There are no fee waivers available for this process. You must include with the application proof of the approved I-130 as an “immediate relative” of a U.S. citizen and also include proof of paying the immigrant visa processing fee. The application will be filed with a USCIS lockbox inside the United States. It cannot be filed outside the United States.

Certain family-based preference categories will soon be eligible. See subsection D for the proposed changes.

NVC Appointment Notification Letters Dated before January 3rd, 2013

You are not eligible to file the provisional waiver application if your NVC appointment letter is dated before January 3, 2013. You may be eligible to apply if your notice is dated after January 3rd, 2013. If your appointment letter is dated before January 3rd, 2013 you may still qualify to file the provisional waiver application in the future if you have a new DOS immigrant visa case because either:

• NVC terminated the immigrant visa registration associated with the previously scheduled immigrant visa interview and the NVC has a new “immediate relative” petition, OR
• You have a new “immediate relative” petition filed on your behalf by a different petitioner.
See subsection D for information on upcoming changes, including allowing certain family-based preference categories to benefit.

**Extreme Hardship**

The Provisional Waiver process requires that you demonstrate “extreme hardship” to a qualifying relative. Determining whether a person is going to suffer extreme hardship is dependent on the facts of the particular case. The instructions for Form I-601A include examples of factors that the USCIS will consider when trying to determine whether a qualifying relative will suffer extreme hardship. USCIS has announced that they will release a memo clarifying the extreme hardship standard so that it may apply to a broader group of people. Check [www.uscis.gov/immigrationaction](http://www.uscis.gov/immigrationaction) for clarification on extreme hardship.

**C. ADJUDICATION OF PROVISIONAL WAIVER APPLICATION**

The USCIS National Benefits Center (NBC) processes the provisional waiver applications. USCIS will not require interviews in most cases. The grant of a provisional waiver application permits DOS to issue the immigrant visa as long as the applicant is otherwise eligible and is not subject to any other grounds of inadmissibility.

**Approval of Provisional Waiver Application**

An approved or pending provisional waiver application **does not:**

- Grant the beneficiary protection from deportation;
- Allow the beneficiary any interim immigration benefits such as work authorization;
- Guarantee that the beneficiary will be granted an immigrant visa;
- Guarantee admission into the United States or
- Provide the beneficiary legal immigration status.

**Denials of Provisional Waiver**

There is no appeal for a denial of a provisional waiver application. You cannot file a Motion to Reopen or Reconsider the denial of a provisional waiver application. If USCIS denies your provisional waiver application, you may file a new provisional waiver application. You must file with a new fee, as long as the immigrant visa case is still pending. You must notify NVC of your intent to file the new provisional waiver application.

**D. PROPOSED CHANGES TO THE PROVISIONAL WAIVER**

On November 20, 2014, USCIS announced it will expand the provisional waiver to include undocumented individuals who have resided unlawfully in the United States and who are the sons and daughters of U.S. citizens, or who are the spouses and unmarried children any age of lawful permanent residents. They must still prove that a U.S. citizen spouse or U.S. citizen parent will suffer extreme hardship if the waiver is not granted. There may be instances when the qualifying relative is not the petitioner. USCIS has also announced that it will clarify the meaning of the “extreme hardship” standard that must be met to obtain the waiver. Visit [www.uscis.gov/immigrationaction](http://www.uscis.gov/immigrationaction) for further updates and clarification.
6. DOCUMENT RENEWAL AND REPLACEMENT

United States Citizenship and Immigration Services (USCIS) and United States Department of State (DOS) no longer require submission of original documents for renewal and replacement of documents. Photocopies may be accepted instead of submitting original documents.

Unless otherwise specified, the forms required below can be obtained online at www.uscis.gov/forms or by calling the toll-free forms request line at 800-870-3676. Check to ensure you have the current edition of the form.

Additionally, note that USCIS conducts thorough background checks when adjudicating requests for renewal and replacement of documents. If you believe any of the grounds of inadmissibility apply to you, such as criminal inadmissibility, (see section 3 Part B of this manual, page 45), consult an authorized immigration law expert before submitting your request. If you have abandoned your legal permanent residence, by working in a foreign country and not filing U.S. income tax returns, or by having remained outside the United States for more than one year, consult an authorized immigration law expert before submitting your request to renew or replace documents.

A. PERMANENT RESIDENT CARDS (GREEN CARDS)

Expiring, Expired, Lost or Mutilated (Damaged) Permanent Resident Card

1. Complete Form I-90, Application to Replace Permanent Resident Card

   • Obtain a paper copy of the form or complete it electronically through the e-filing system at www.uscis.gov/e-filing. Check www.uscis.gov regularly for the most up to date edition of the form. USCIS will only accept current versions of the form.

2. Include the Filing Fee

   • Generally, the application fee is $365 and the biometrics fee is $85, meaning the total filing fee is $450. Check www.uscis.gov to see which filing fees apply to you.

   • If the application is being mailed, ensure the check or money order is made payable to “U.S. Department of Homeland Security.” If the applicant is eligible to submit the form electronically, payment must be made with a credit or debit card.

3. Submit the Application

   • If mailing the application, send it Certified Mail, Return Receipt Requested, to:
     
     USCIS
     P.O. Box 21262
     Phoenix, AZ 85036

   • For non-U.S. Postal Service (USPS) deliveries (e.g., Federal Express, UPS or DHL):
     
     USCIS
     Attention: I-90
     1820 E. Skyharbor, Circle S, Floor 1
     Suite 100
     Phoenix, AZ 85036
• After submission of your application, you will receive an appointment to be finger printed and photographed.

4. Biometrics Appointment

USCIS will notify you of the date and time for you to appear at your local Application Support Center (ASC). Bring with you the original expiring or expired LPR card. If the card was lost, stolen or damaged, bring a valid government issued ID, such as driver's license, state issued picture ID card, or passport. Do not bring photographs. These will be taken at the appointment.

• Your status as a permanent resident does not expire when your green card expires.

• However, if you are a conditional resident, you status is valid for only two years. Generally, you must apply within 90 days before the two years expires to remove the conditions on your permanent residence. Use Form I-751, Petition to Remove the Conditions of Residence. If you fail to remove the conditions, your conditional status will expire and you will become deportable. Conditional Residents must use Form I-751, not Form I-90, Application to Replace Permanent Resident Card.

Replacing a Permanent Resident Card Because Your Biographic Data Changed

An individual may file for a new permanent resident card if any biographic data has been legally changed.

Documents

Submit a copy of the court order, divorce decree or marriage certificate reflecting the new name with your Form I-90, Application to Replace Permanent Resident Card. To replace a card because of a change of any other biographical data, you must submit copies of documentation to support the change.

To Correct a Permanent Resident Card

1. Complete Form I-90, Application to Replace Permanent Resident Card.
   • Fee; If the error was the fault of USCIS, the individual does not have to pay the filing fee. If the error was the individual’s fault, he/she must pay the filing fee.

   • Filing; If the error was the fault of USCIS, then on the I-90 form itself, under Part 2, section A, the applicant should mark answer “d” as the reason for filing. Then the applicant should attach a copy of the incorrect permanent resident card to the I-90. If possible, include a photocopy of the original application the applicant submitted which had the correct information on it (as proof that the original documentation was correct), or other documents to support the claim.

2. Mail the application by Certified Mail with Return Receipt Requested to the Phoenix, Arizona, Lockbox facility (see page 70)

Permanent Resident Card Never Arrived

If USCIS mailed the permanent resident card more than 30 days ago and you have not yet received it, and you have not moved from the address you provided to USCIS during the application or immigrant visa process, then call the USCIS National Customer Service Center to inquire about
the permanent resident card. Ask the NCSC whether the Post Office returned the permanent resident card back to the USCIS as undeliverable

**Permanent Resident Card never Received by Applicant but not Returned to USCIS**

If the above conditions have been met and the Post Office did not return the permanent resident card to the USCIS as undeliverable, then you must file a new Form I-90 with filing fee.

**Permanent Resident Card never Received by Applicant and Returned to USCIS**

If the above conditions have been met and the Post Office DID return the permanent resident card to the USCIS, then you must:

1. Submit a new Form I-90, Application to Replace Permanent Resident Card. On the first of the application, under Part 2, section A, Reason for Application, check box “2.b” which reads: “My previous card was issued but never received.”
2. Mail a new I-90 application to the Phoenix, Arizona, Lockbox facility (see page 70). There is no fee provided the above conditions are met.
3. Applicants must include a copy of their Form I-797, Notice of Action, for their previously filed Form I-485, Form I-751, or Form I-90 and a copy of a government-issued form of photo ID that contains the applicant’s name, date of birth, and signature.

**B. NATURALIZATION CERTIFICATES AND CERTIFICATES OF CITIZENSHIP**

**To Replace an Incorrect, Lost, Stolen, Destroyed, or Mutilated (Damaged) Naturalization Certificate or Certificate of Citizenship:**

   - For lost, stolen or destroyed certificates, check answer “a” in Part 2, Question 2 and explain how the certificate was lost, stolen or destroyed.
   - If the certificate is mutilated, check answer “b”
   - If applying because of a name change, answer “c” and submit the original certificate and a copy of the marriage certificate, divorce decree, or court order showing the name change.
2. Include Additional Documents
   - Attach the original incorrect or mutilated certificate
   - If applying because of a name change, answer “c” and submit the original certificate and a copy of the marriage certificate, divorce decree, or court order showing the name change.
3. Include Two Passport Photos or Mutilated Certificate
   - Be sure to print name and “A” number on the back in pencil.
4. Include the Filing Fee

- If a clerical error was made by USCIS, no fee is required. If the error was the applicant's fault, or the applicant has legally changed his/her name since the certificate was issued, the fee of $345 must be paid or the application must be submitted with a fee waiver request on Form I-912.

5. Mail the Application by Certified Mail with Return Receipt Requested

- Applicants living in NY, NJ or CT should mail the application by Certified Mail with Return Receipt Requested to the address below. Applicants living in other states should check the instructions on the form to determine where to file.

  DHS/USCIS
  Texas Service Center
  PO Box 851182
  Mesquite, TX 75185-1182

C. TRAVEL DOCUMENTS

To Correct a Refugee Travel Document or Reentry Permit

Submit a letter along with the incorrect document to the office that sent the document or permit to you. No form or fee is required.

To Obtain, Replace or Correct a Form I-94, Arrival-Departure Record

- To obtain an I-94 for persons who entered the United States via air or sea on or after April 30, 2013 visit the CBP website at www.cbp.gov/i94. If the I-94 cannot be obtained online, follow the instructions below on replacing an I-94.

- To correct an I-94 issued by USCIS that is incorrect due to a USCIS error, file Form I-102, Application for Replacement/Initial Arrival/Departure Document, and provide proof of USCIS error. If a USCIS error was made, no filing fee is required.

- To replace an I-94, submit any available information to prove entry to the United States including a copy of the biographic page of your passport. The filing fee for the Form I-102 is $330.

- Do not use Form I-102 to request a correction on an I-94 issued by U.S. Customs and Border Protection (CBP). To correct an I-94 issued by CBP, you should contact the nearest CBP office or port-of-entry or visit the CPB website at www.cbp.gov.

To Renew/Replace a U.S. Passport

To renew an expired passport, or replace a lost, stolen, or damaged passport, or correct or change a passport, go to http://travel.state.gov/content/travel/english.html and click "U.S. Passport". If you are in the United States, you may also go to a passport acceptance facility, many of which are located in U.S. Post Offices.

Note: For overseas assistance with replacing a passport contact the local U.S. Embassy or Consulate (U.S. Citizen Services). These can be located on the U.S. Department of State website at www.usembassy.gov.
7. CUNY IN-STATE TUITION

A. WHO IS ELIGIBLE FOR IN-STATE TUITION AT CUNY?

All Students

All CUNY students, including undocumented students, benefit from a 2001 New York State law that expanded who can qualify for in-state tuition. That law allows anyone to pay in-state tuition if any of the following apply:

- They were enrolled in the City University of New York (CUNY) for the Fall 2001 semester, and qualified for in-state tuition at that time.
- They attended a New York State high school for two or more years, graduated, and applied to attend a CUNY institution within five years of receiving a New York State diploma.
- They attended an approved New York State program for the General Educational Development (GED) exam preparation, received a GED from New York State, and applied to attend a CUNY institution within five years of receiving the New York State GED.

Individuals qualifying based on the 2001 state law are eligible for in-state tuition even if they have not resided in New York State for one year.

Note: If you are an undocumented immigrant and you would like to get in-state tuition, you must file an affidavit (a sworn, written statement signed by you) stating that you will apply to legalize your status as soon as you are eligible. At CUNY colleges, the admissions office can provide you with samples of the affidavits.

Others Eligible for In-State Tuition

If you do not qualify under the rules described above, you still may qualify for in-state tuition if you have resided in New York State for at least one year, and one of the following applies:

- You are a U.S. citizen, permanent resident, or have a permanent resident application pending (you must have filed Form I-485 Application to Register Permanent Residence or Adjust Status. It is not sufficient to have solely a pending or approved Form I-130 Petition for Alien Relative or Form I-140 Immigrant Petition for Alien Worker).
- You have been granted asylum, withholding of removal, or refugee status.
- You have Temporary Protected Status (TPS).
- USCIS granted you Deferred Action status.
- USCIS granted you Deferred Enforced Departure.
- USCIS granted you Deferred Action for Childhood Arrivals (DACA).
- You are a “late amnesty” applicant, a NACARA applicant (Nicaraguan Adjustment and Central American Relief Act), or a Cuban or humanitarian parolee.
• You are in one of the following nonimmigrant statuses: A, E, G, H-1B, H-1C, H-4 (where the primary status holder is here in H-1B or H-1C status), I, K, L, N, O, R, S, T, U, or V.

For more information on tuition or admission issues at CUNY, go to www.cuny.edu or call 800-CUNY-YES or 800-286-9937.

F-1 Students

Students in lawful F-1 nonimmigrant status do not qualify for New York in-state tuition even if they meet the high school graduation or GED requirement. If you maintain lawful F-1 student status, you will qualify for in-state tuition only if you apply to become a permanent resident by filing Form I-485, Application to Register Permanent Residence or Adjust Status or change to another qualifying status, and meet the high school graduation, GED, or residency requirements as listed in the “All Students” and “Others Eligible for In-State Tuition” sections.

High school students on an F-1 visa who fall out of status, as defined below, and meet the high school graduation or GED requirements as listed in the “All Students” section, qualify for in-state tuition. F-1 students with college I-20s can never qualify for in-state tuition by falling out of status.

High School Students Falling Out of Status

Students who register for high school in F-1 status have a Certificate of Eligibility for Nonimmigrant (F-1) Student Status, better known as an I-20 form, issued by their high school. The I-20 form indicates an anticipated end-of-studies date. A student with a high school I-20 will be considered out of status when that student’s end-of-studies date passes, plus 60 days, unless the student registered for college and received a college I-20 within those 60 days.

Warning to Students about Falling Out of F-1 Status

Do not consider falling out of F-1 status just so you can qualify for in-state tuition. Out-of-status students are not eligible for employment authorization. Falling out of status makes you deportable and you might receive a notice to appear in front of an immigration judge. This may make it difficult for you to eventually get a Green Card.

B. FINANCIAL AID FOR UNDOCUMENTED STUDENTS

Undocumented students are generally ineligible for state or federal financial aid. However, they may qualify for certain private scholarships, depending on the requirements. Please speak with an admissions counselor for information on scholarships and financial assistance available within CUNY. Applications for all CUNY colleges and programs are available online at www.cuny.edu, and from the Office of Admission Services by calling 212-997-CUNY (2869).

Undocumented students with outstanding academic records should consider CUNY’s Macaulay Honors College. If they meet the in-state tuition requirements described above and they are accepted into the Honors College, they qualify for a full tuition scholarship, a laptop, and a stipend. Honors College students who do not meet the in-state tuition test may qualify for limited assistance. For additional information about the Macaulay Honors College please contact the Macaulay Honors College at www.macaulay.cuny.edu or call 212-729-2900.
Tuition Assistance Program (TAP)

Certain students who completed high school in New York State may qualify for TAP (Tuition Assistance Program). Starting in the 2007-08 academic year, TAP has been available for students attending SUNY, CUNY and not-for-profit independent degree-granting colleges on a part-time basis. To be eligible for part-time TAP, you must have been a first-time freshman in the 2006-07 academic year or thereafter, have earned 12 credits or more in each of two consecutive semesters, and maintain a “C” average.

To be eligible for TAP, a student must:

- Be a United States citizen or a lawful permanent resident, or hold a Form I-94 as a refugee, parolee, or Cuban/Haitian entrant;
- Be a resident of New York State;
- Have graduated from high school in the United States, earned a high school equivalency diploma by passing a Test Assessing Secondary Completion (TASC) formerly known as a General Educational Development (GED) test, or passed a federally approved “Ability to Benefit” test as defined by the Commissioner of the State Education Department;
- Study full-time undergraduate (at least 12 credits per semester) at an approved postsecondary institution in New York, be matriculated in an approved program of study and be in good academic standing with at least a cumulative “C” average as of the fourth semester payment;
- Be charged at least $200 tuition per year;
- Not be in default on any state or federal student loans and not be in default on any repayment of State awards, and
- Meet an income requirement:
  - dependent undergraduates, independent students (married or unmarried) who have tax dependents—$80,000 limit;
  - independent undergraduate students who are married and have no other tax dependents—$40,000 limit;
  - unmarried independent undergraduate students with no tax dependents—$10,000 limit.
8. IMMIGRATION ARREST AND DETENTION:
PREPARATION AND RESPONSE

A. BE PREPARED IF STOPPED BY ICE

If you are concerned that you, a friend, or a relative could be arrested by the immigration authorities, have the following information and documents available:

- The person’s full name, aliases, date of birth, alien number, ("A" number or "USCIS number") if he or she has one, and information about the person’s entry into the United States.

- Documentation of any prior deportation orders, criminal arrests and convictions, and copies of all immigration documents filed for the person with USCIS.

- To find out if someone has ever been charged by the U.S. Immigration and Customs Enforcement (ICE), call EOIR at 800-898-7180. You must have the person’s "A" number available to use this automated system.

- Information about factors that favor the person’s release, such as ties to the community, family, and employment history.

- Contact information for the person’s home consulate. Consulates may be able to provide legal assistance and support to their nationals. Unlike in criminal cases, the U.S. government will not provide a free attorney to someone detained for an immigration violation.

- Power of attorney, this is a legal document authorizing an individual to act on the detainee’s behalf.

Note: Make arrangements for the care of children in the event that their guardians are detained. If a person takes medication regularly, a supply should be readily available in case of an arrest.

B. LOCATING A PERSON ARRESTED BY ICE

When ICE arrests a person, it may detain the person in the greater New York area or transfer the person to an out-of-state facility. Adult detainees currently in ICE custody or who were released for any reason within the last 60 days may be located by visiting ICE’s Online Detainee Locator System (ODLS) at https://locator.ice.gov. You will need the person’s "A" number and country of birth. You may also search for someone by name, but it must be an exact match, and you must also provide the person’s country of birth and date of birth.

If the status of the detainee shows “in custody,” select “current detention facility” to find where the detainee is being held. If the search result shows “not in custody,” it may mean ICE released the person from custody and either removed the person from the United States, released the person pending the outcome of the case, or transferred the person into the custody of another law enforcement or custodial agency.
If your search returns the response “detainee not found”, it may mean that the information used to search for the person was incorrect, or that another branch of law enforcement arrested the person.

**Note:** ODLS does not contain any information about persons under 18-years of age.

If you are unable to find the detainee after conducting your ODLS search, you may:

- Contact the ICE Office of Enforcement and Removal Operations (ERO) in the area where you believe the person’s case was initiated. If detained or arrested in New York, call the ICE office at **212-863-3401**. If detained or arrested in New Jersey, call **973-645-3666**.

- Contact the consulate at the embassy of the person’s country of origin. Consulates are often required by international convention or treaty to be notified when one of their nationals is detained. A list of embassies may be found by visiting [www.embassy.org/embassies](http://www.embassy.org/embassies).

- Contact different county detention facilities individually. You may find a map of detention facilities on the Detention Watch Network website at [www.detentionwatchnetwork.org/dwnmap](http://www.detentionwatchnetwork.org/dwnmap). Begin with the facilities closest to the arrest location. Be ready to provide EROs and county detention facilities with the detainee's full name and “A” number.

**C. CONTACTING SOMEONE DETAINED BY ICE**

Family, friends, and attorneys may call or visit immigration detainees. Call the facility to find out about visitation restrictions and hours. Note that federal detention centers conduct background and immigration status checks on all visitors. **Undocumented immigrants who visit a detention center may be detained and/or subject to removal.**

**D. REQUESTING RELEASE FROM DETENTION**

A person detained by ICE for removal may be eligible for:

- Release on bond: the detainee pays a bond amount set by ICE or an immigration judge.

- Release on recognizance: the detainee is released without having to pay a bond. This is generally reserved for detainees with humanitarian reasons for release, such as someone suffering from a serious medical condition or a sole caregiver of young children.

Under some circumstances, a detainee may face mandatory detention without the right to bond. This usually happens when the person has serious criminal convictions or was previously removed. In rare cases, this may be challenged.

**E. THE BOND HEARING**

Several factors will be considered when a judge decides whether to grant bond. Evidence that demonstrates the detainee is neither a danger to the community nor a flight risk should be presented at the bond hearing. Examples of evidence may be:

- Testimony and supporting letters from family members, employers, and community and religious leaders. Letters should be addressed to the immigration judge, should include the name and immigration status of the person writing the letter, and the relationship of the person to the detainee.
• A sworn declaration from a “sponsor” stating that he or she will house and support the detainee. The sponsor must assure that the detainee will attend all appointments with ICE and the immigration court. The declaration must include the sponsor’s full name, address, lawful immigration status in the United States, employment status, and relationship to the detainee.

• A statement by the detainee explaining past criminal conduct, including drug abuse or domestic violence, if any. It should provide background into the circumstances of any arrests or convictions and how the detainee may have changed since then. The adjudicator must be convinced that the detainee will not pose a danger to the community.

• Pay stubs and letter of employment stating the current job to which the detainee will return upon release. The letter should include the name of the employer, length of employment, job title, duties, hours and salary.

• Copies of U.S. birth or naturalization certificates or permanent residence cards of any close relatives, particularly parents, a spouse, or children.

F. POSTING (PAYING) THE BOND

Bond can be paid at any of the main ICE offices across the country. The bond must be posted (paid) in person. In New York City, bond can be paid at the ICE Bond Office, 26 Federal Plaza, Room 9-110. Located on Broadway between Worth and Duane Streets.

Bond can be posted two ways:

1. Paid in full by certified or cashiers' check or money order, payable to “U.S. Department of Homeland Security”. The person posting the bond (the obligor) must have the detainee’s “A” number, home address, date of birth, and country of birth. The obligor must be at least 18 years old, must be either a U.S. citizen or lawful permanent resident, and must have a government-issued ID, such as a driver's license, an unexpired green card, a passport with an I-551 stamp, a U.S. passport, or a Certificate of Naturalization or Citizenship.

   **Note:** Immigration routinely performs background checks on people who post bond. Anyone with an outstanding warrant for arrest, or anyone who is in the United States without legal immigration status, or permanent residents with criminal convictions should talk to an authorized immigration law expert before posting bond.

2. Paid by an authorized bail bond agent. The bond agent posts the full amount of the bond in exchange for payment of a percentage of the bond each year until the bond is returned by ICE. Generally, these agents will only provide services to detainees with strong ties to the United States. Collateral such as property, savings, or other items of value must be available to the bond agent. Search online to find an authorized bail bond agent.
G. GETTING THE BOND MONEY BACK

• If the person wins the case and is allowed to remain in the United States, the individual who posted the bond (the obligor) should receive a Form I-340, Notice to Obligor to Deliver Alien, indicating that the bond is being canceled but that the obligor can visit any ICE office that accepts bonds, which will help the obligor with the procedures for getting a refund. Generally, the obligor should receive a refund in about six weeks.

• If the person is ordered removed or granted voluntary departure and paid a bond, that individual must wait for the original G-146/I-392 form to be processed by the Department of Homeland Security in the United States. The individual will need to report to ERO to obtain G-146 (no bond paid) or I-392 (bond paid). ICE will give the individual the form in a sealed DHS envelope marked “to be opened by U.S. Consulate or Embassy Official Only” and will explain the return procedure in a language the individual understands. The individual will be advised to take the sealed envelope to a U.S. Embassy or Consulate outside of the United States along with the individual’s travel document/passport. The U.S. official will mail the G-146/I-392 to ICE. Once the ERO receives the verified G-146 or I-392 from abroad, the bond is cancelled and the obligor receives a letter on the procedure to recover the bond money.

If the individual does not satisfy all obligations set by ICE and the immigration court, such as attending all court hearing and appointments, the bond money will be forfeited.
9. HOW TO OBTAIN COPIES OF IMMIGRATION OR CRIMINAL RECORDS

A. FREEDOM OF INFORMATION ACT (FOIA) REQUESTS

The Freedom of Information Act (FOIA) was signed into law to provide individuals with a right to access copies of certain federal agency records. For immigration purposes, FOIA requests may be submitted to the three agencies within the Department of Homeland Security (DHS) that deal with immigration. FOIA requests may be submitted to: United States Citizenship and Immigration Services (USCIS) for information about applications or petitions you previously submitted; U.S. Customs and Border Protection (CBP) for records of entries or exits and/or border crossings into the U.S.; and/or U.S. Immigration and Customs Enforcement (ICE) for immigration enforcement records. FOIA requests may also be made to the U.S. Department of Justice (DOJ) Executive Office for Immigration Review (EOIR) for immigration court records. You can also make FOIA requests for records such to other federal agencies such as the Federal Bureau of Investigations (FBI), Department of State (DOS) and the Department of Labor (DOL).

When Should a FOIA Request be Made?

A FOIA request may be helpful to piece together a paper trail of your previous immigration history especially when you are considering whether you want to apply for an immigration benefit or you are currently facing removal (deportation) proceedings. There is an immigration file (called an “A” file) for all immigrants who come into contact with DHS. There are many reasons why a person may want a copy of their “A” file from DHS. For example, if you are planning to file your application for naturalization but are unsure whether you disclosed prior marriages or criminal history on your green card application, you should file a FOIA request with USCIS for a copy of your “A” file.

How Is a FOIA Request Made?

Before making a FOIA Request, it is important to identify which agency within DHS is most likely to have control over the record needed. There is no central database for all federal records. Each agency also has their own protocol for releasing records which is posted on the agency’s individual website. For example, if you are looking for more information about whether you were arrested and/or stopped at the border, you should make a FOIA request to CBP. Depending on your case, you may want to make a FOIA request with more than one agency. USCIS has a list of the types of records that can be requested and a list of where each type of FOIA request should be made at www.uscis.gov. All FOIA requests must be made in writing. See page 80 for more detailed information about filing FOIA requests for each agency.

Can I Ask for Another Person’s Records?

Many times the person who wants to make a FOIA request is NOT the person whose records are sought (for example, when a person is in immigration custody). Requests for another individual’s records require appropriate verification of identity of the subject of the request as well as their written permission allowing USCIS or another agency to release information to the other person. Not all records can be released by a FOIA request. Information will not be released if it will prejudice national security or law enforcement, or if it would be an unwarranted intrusion into a person’s privacy. For example, if you want to make a FOIA request with USCIS for a copy of an adjustment of status application (Form I-485) filed on your behalf by a prior spouse, your spouse’s information will be redacted from the copies of the information released.
What Is the Fee for Filing a FOIA Request?

There is no fee to file a FOIA request. The person making the request must agree in the written request to cover copying costs if the immigration record is over 100 pages or if the cost exceeds a certain amount. Most FOIA requests are free and will not incur any fees.

Where Do I File a FOIA Request?

The Department of Homeland Security has created a new FOIA resource page on their website at http://www.dhs.gov/freedom-information-act-foia which can be used to file and check the status of a FOIA request online. Each of the three agencies within DHS has their own protocol for making FOIA requests. All FOIA requests submitted by mail should be sent by Certified Mail Return Receipt Requested so that confirmation from the U.S. Postal Service can be received when the agency received your request.

United States Citizenship and Immigration Service (USCIS)

For copies of “A” file records, use Form G-639, Freedom of Information Act/Privacy Act Request. Form G-639 may also be used to submit FOIA requests to CBP and ICE. This form should NOT be used for submitting FOIA requests to the DOJ (for example, for EOIR records). Form G-639 can be obtained online at www.uscis.gov/forms or by calling USCIS at 800-870-3676.

Mail to:
USCIS
National Records Center (NRC) FOIA/PA Office
P.O. Box 648010
Lee’s Summit, MO 64064-8010

Fax requests to: 816-350-5785 or 802-288-1793

Email requests to: uscis.foia@uscis.dhs.gov.

Customs and Border Protection (CBP)

For copies of records of entries/exits and for border crossing records, use USCIS Form G-639. Form G-639 can be obtained online at www.uscis.gov/forms or by calling USCIS at 800-870-3676.

Mail to:
U.S. Customs and Border Protection FOIA Division
90 K Street, NE MS 1181
Washington, D.C. 20229-1181

Online FOIA requests may be made at: www.cbp.gov/FOIA.

U.S. Immigration and Customs Enforcement (ICE)

For copies of immigration enforcement records, use USCIS Form G-639. Form G-639 can be obtained online at www.uscis.gov/forms or by calling USCIS at 800-870-3676.

Mail to:
U.S. Immigration and Customs Enforcement, Freedom of Information Act Office
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009.
Fax requests to: 202-732-4265
Email requests to: ICE-FOIA@dhs.gov.

Call ICE about a FOIA request at: 866-633-1182.

Online requests may be made to: http://www.ice.gov/webform/foia-request-form.

Executive Office for Immigration Review (EOIR)
For copies of your deportation/removal proceedings file, make a written request to EOIR. DO NOT use Form G-639.

Send a written request to EOIR with the following information: Your full name, aliases, immigration hearing location, and alien registration “A” number. If you don’t know your A-number, or the case occurred before 1988, provide the date of your Order to Show Cause (first notice to appear in court), country of origin, and the place where your immigration hearing was held.

Mail to:
U.S. Department of Justice, EOIR
Office of the General Counsel
Attn: FOIA Service Center
5107 Leesburg Pike, Suite 1903
Falls Church, VA 20530

Email requests to: EOIR.FOIARequests@usdoj.gov

How Do I Make a FOIA Request to Other Agencies?

Department of State (DOS)
For records of visa applications that were denied, mail a notarized written request to the Department of State.

Note: If the person who is the subject of the request has already immigrated to the U.S. and received their green card, then the record will be with USCIS, not with DOS. If you are seeking records of a case pending overseas, then you must contact the U.S. embassy or consulate abroad for information.

Mail to:
Department of State
Office of Information Programs and Services
Freedom of Information Act Request
A/GIS/IPS/RL
U. S. Department of State
Washington, D. C. 20522-8100
Fax requests to: 212-261-8579

Online requests may be made to: http://foia.state.gov
Federal Bureau of Investigation (FBI)
For records of investigative or incident files from the Federal Bureau of Investigation (FBI), a sample request is available on the FBI website at http://www.fbi.gov/foia/sample-fbi-foia-requestletter

Mail to:
Federal Bureau of Investigation
Attn: FOIA/PA Request
Record/Information Dissemination Section
170 Marcel Drive
Winchester, VA 22602-4843

Fax requests to: 540-868-4391/4997

Email requests to: foiparequest@ic.fbi.gov

Note: For information about requesting a copy of “FBI Identification Records” (Rapsheets), see subsection B.

Department of Labor
For Foreign Labor Certification records from the Department of Labor, mail written request to:

U.S. Department of Labor – ETA
Division of Management and Administrative Legal Services
200 Constitution Avenue, N.W., Room N-2420
Washington, D.C. 20210-0001

Fax requests to “FOIA Staff” at: 202-693-5389

E-mail to: foiarequests@dol.gov

How Long Does a FOIA Request Take?
Processing times to receive your FOIA request differ depending on what agency is providing the record. As of the date of this publication, USCIS reports the average FOIA processing time as approximately one month. EOIR, CBP, and ICE each report that that they respond to a FOIA requests in about 20 to 30 business days. If a person has an interview with USCIS or a court date with EOIR it is possible to ask for expedited processing of the FOIA request. The request must be accompanied by a copy of the USCIS interview notice or a copy of the Form I-862, Notice to Appear in Immigration Court.

B. HOW TO REQUEST YOUR IDENTITY HISTORY SUMMARY ("FBI RAP SHEET")

There are two ways to obtain a copy of your Identity History Summary. You can either submit a request directly through the FBI, or you can have a third party “FBI-approved Channeler” obtain it for you. You can also request proof that a record does not exist.

To submit a request to the FBI, you must first complete the “Applicant Information Form.” This form is available on the FBI website by visiting www.fbi.gov, clicking on “Stats & Services,” and selecting
“Identity History Summary Checks” See under “How to Request a Copy of Your Record” and click the link “Submit a request directly to the FBI”. You will also need to obtain an original rolled-ink set of all ten fingerprints. In New York City, fingerprinting is available at One Police Plaza, New York, NY 10038-1497, Room 152A. Call 646-610-5541 for more information. Make sure to explain that your prints are needed for an FBI record check, not a New York State record check. Mail the completed and signed form, your fingerprints, and an $18 money order or certified’s check made payable to the “Treasury of the United States” to FBI CJIS Division – Summary Request, 1000 Custer Hollow Road, Clarksburg, WV 26306.

Please note that you must enclose $18 for each Identity History Summary that you are requesting. The Identity History Summary processing can take up to eight weeks.

For more detailed information on this process, or to review the list of FBI-approved Channelers, visit the FBI website and click on “Stats and Services” and then “Identity History Summary Checks.”

C. FINDING INFORMATION ABOUT ARRESTS

Police Arrests and Charges

If you were arrested by the police or were charged with committing a crime, you must get a Certificate of Disposition.

A Certificate of Disposition is an official court document that indicates the current status of a case or its final disposition. To request a Certificate of Disposition bring the following items to the Central Clerk’s Office in the court in which your case was processed:

- Defendant’s full name and date of birth
- Docket Number (if you know it)
- Picture I.D.
- $10.00 (exact change only)

Note: If you have had encounters with law enforcement outside of New York City, you need to obtain the certified criminal court disposition from the relevant courts.

<table>
<thead>
<tr>
<th>COURT CLERK OFFICES BY COUNTY</th>
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<tbody>
<tr>
<td><strong>Bronx County</strong></td>
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<tr>
<td><strong>Criminal Court</strong></td>
</tr>
<tr>
<td>215 East 161st Street, 1st Floor</td>
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<tr>
<td>Bronx, NY 10451</td>
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<tr>
<td><strong>Supreme Court</strong></td>
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<tr>
<td>Criminal Division</td>
</tr>
<tr>
<td>265 East 161st Street, 2nd Floor</td>
</tr>
<tr>
<td>Bronx, NY 10451</td>
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<tr>
<td><strong>New York County (Manhattan)</strong></td>
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<tr>
<td><strong>Criminal Court</strong></td>
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<tr>
<td>100 Centre Street, Room 150</td>
</tr>
<tr>
<td>New York, NY 10013</td>
</tr>
<tr>
<td><strong>Supreme Court</strong></td>
</tr>
<tr>
<td>Criminal Division</td>
</tr>
<tr>
<td>100 Centre Street, Room 1000</td>
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<tr>
<td>New York, NY 10013</td>
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<tr>
<td><strong>Richmond County (Staten Island)</strong></td>
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<tr>
<td><strong>Criminal Court</strong></td>
</tr>
<tr>
<td>67 Targee Street, 1st Floor</td>
</tr>
<tr>
<td>Staten Island, NY 10304</td>
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<tr>
<td><strong>Supreme Court</strong></td>
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<tr>
<td>Criminal Division</td>
</tr>
<tr>
<td>18 Richmond Terrace, Room 110</td>
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<tr>
<td>Staten Island, NY 10301</td>
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</tbody>
</table>
MTA Citations

If you were issued a citation ("subway ticket") by the Metropolitan Transit Authority (MTA), you must get a Letter of Disposition for MTA Fines and Summons.

To request a Letter of Disposition for MTA Fines and Summons go to:

Transit Adjudication Bureau
29 Gallatin Place, Third Floor
Brooklyn, NY 11201
Tel: (347) 643-5805

Open Monday to Friday 8:00 a.m. to 4:45 p.m.

Bring the following documents:

- Government ID
- Social Security Card (If you do not have a Social Security Number, provide a notarized statement that you have not been issued one.)

Payment:

Check or cash (exact change only) as follows:

- $5.00 if you have one violation (or none)
- $10.00 if you have two or more violations

Processing time:

One week

Note: A Letter of Disposition for MTA Fines and Summons will not be issued if there any outstanding tickets.
10. IMMIGRATION FORMS AND FEES, WAITING TIMES, POVERTY GUIDELINES, AND FEE WAIVER REQUESTS*

All immigration forms can be downloaded from the USCIS website by going to www.uscis.gov and choosing “Forms” at the top of the page or by calling 800-870-3676.

A. LIST OF IMMIGRATION FORMS AND FEES

Please note:

- Immigration filing fees should be made payable to “U.S. Department of Homeland Security”.
- Some immigration forms may be available for electronic filing.
- Warning! Many non-USCIS websites offer immigration forms. Some will sell you a downloadable form for a fee. These sites are not affiliated with USCIS, and may not even have the latest versions of forms. In some circumstances, use of older forms may result in your application or petition being denied or delayed. The latest version of these forms is always available free of charge at www.uscis.gov/forms.

The list of forms and fees below is current as of March 2015.

<table>
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<tr>
<th>Title</th>
<th>Form Number</th>
<th>Filing Fee</th>
<th>Edition</th>
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<td>Change of Address</td>
<td>AR-11</td>
<td>$0</td>
<td>A new edition of this form is coming soon. In the meantime, customers may file using the 12/11/11 or other previous editions.</td>
</tr>
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<td>Alien's Change of Address Card</td>
<td>AR-11 SR</td>
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<td>12/11/11; (04/01/11 also accepted)</td>
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<tr>
<td>Notice of Appeal to the Board of Immigration Appeals from a Decision of an Immigration Officer</td>
<td>EOIR-29</td>
<td>$110</td>
<td>January 2015. (October 2013, 2012 and April 2009 editions still accepted).</td>
</tr>
<tr>
<td>Notice of Entry of Appearance as Attorney or Accredited Representative</td>
<td>G-28</td>
<td>$0</td>
<td>03/04/15. (On 4/13/2015, USCIS will accept only the 3/04/2015 edition. USCIS will not accept editions dated 02/28/13 or earlier on or after April 13, 2015.)</td>
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<tr>
<th>Title</th>
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<td>Notice of Entry of Appearance as Attorney in Matters Outside the</td>
<td>G-28I</td>
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<td>02/28/13. 04/22/09 edition also accepted.</td>
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<td>Geographical Confines of the United States</td>
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<td>Biographic Information</td>
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<td>Biographic Information</td>
<td>G-325A</td>
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<td>A new edition of this form is coming soon.</td>
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<td>Verification Request (SAVE agencies)</td>
<td>G-845</td>
<td>$0</td>
<td>A new edition of this form is coming soon.</td>
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<td>Document Verification Request Supplement</td>
<td>G-845</td>
<td>$0</td>
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<td>Title</td>
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<td>Return of Original Documents</td>
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<td>Genealogy Records Request</td>
<td>G-1041A</td>
<td>The fee for a copy from microfilm is $20 per</td>
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<td>request. The fee for a copy of a hard copy</td>
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<td>file is $35 per request.</td>
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<td>E-Notification of Application/Petition Acceptance</td>
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<td>$0</td>
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<td>Employment Eligibility Verification</td>
<td>I-9</td>
<td>$0</td>
<td>03/08/13. No previous editions accepted.</td>
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<td>Application to Replace Permanent Resident Card</td>
<td>I-90</td>
<td>The fee is $450, which includes a $365 form</td>
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<td>fee and $85 biometric services fee. There</td>
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<td>are several exceptions; see the table under</td>
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<td>&quot;Special Instructions&quot; for more detail.</td>
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<td>03/11/13. (12/17/12 edition also accepted.)</td>
</tr>
<tr>
<td>Arrival-Departure Document</td>
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</tr>
<tr>
<td>Petition for a Nonimmigrant Worker</td>
<td>I-129</td>
<td>$325</td>
<td>10/23/14. After 05/01/15 no previous editions will be accepted.</td>
</tr>
<tr>
<td>Petition for a CNMI-Only Nonimmigrant Transitional</td>
<td>I-129CW</td>
<td>$325</td>
<td>10/08/14. 04/04/13 and 10/07/11 editions also accepted.</td>
</tr>
<tr>
<td>Worker</td>
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<td>(base filing fee)</td>
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<tr>
<td>Petition for Alien Fiancé(e)</td>
<td>I-129F</td>
<td>$340. (There is no fee for petitions for K-3</td>
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<td>status based on an immigrant petition filed</td>
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<td>by the same U.S. citizen.)</td>
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<td>06/13/13. No previous editions accepted.</td>
</tr>
<tr>
<td>Nonimmigrant Petition Based on Blanket L Petition</td>
<td>I-129S</td>
<td>See Special Instructions and Form Instructions.</td>
<td>06/12/13. No previous editions accepted.</td>
</tr>
<tr>
<td>Title</td>
<td>Form Number</td>
<td>Filing Fee</td>
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<tr>
<td>Petition for Alien Relative</td>
<td>I-130</td>
<td>$420</td>
<td>12/18/12; (01/08/12; 08/15/11; 11/23/10; 06/14/10; 05/27/08 and 01/31/08 editions also accepted)</td>
</tr>
<tr>
<td>Application for Travel Document</td>
<td>I-131</td>
<td>See Special Instructions and Form Instructions</td>
<td>03/22/13. No previous editions accepted.</td>
</tr>
<tr>
<td>Affidavit of Support</td>
<td>I-134</td>
<td>$0</td>
<td>02/21/14. Previous editions accepted.</td>
</tr>
<tr>
<td>Immigrant Petition for Alien Worker</td>
<td>I-140</td>
<td>$580</td>
<td>03/05/13. No previous editions accepted.</td>
</tr>
<tr>
<td>Application for Advance Permission to Return to Unrelinquished Domicile</td>
<td>I-191</td>
<td>$585</td>
<td>08/15/13. Previous editions accepted.</td>
</tr>
<tr>
<td>Application for Advance Permission to Enter as Nonimmigrant</td>
<td>I-192</td>
<td>$585</td>
<td>04/15/13. Previous editions accepted.</td>
</tr>
<tr>
<td>Application for Waiver of Passport and/or Visa</td>
<td>I-193</td>
<td>$585</td>
<td>12/14</td>
</tr>
<tr>
<td>Application for Permission to Reapply for Admission into the United States After Deportation or Removal</td>
<td>I-212</td>
<td>$585. No biometric fee is required.</td>
<td>03/12/14. (12/16/12, 06/04/12, 09/11/11 and 11/23/10 editions also accepted)</td>
</tr>
<tr>
<td>Application for Removal</td>
<td>I-243</td>
<td>$0</td>
<td>03/01/13. (12/10/10 and 09/14/09 editions also accepted.)</td>
</tr>
<tr>
<td>Notice of Appeal or Motion</td>
<td>I-290B</td>
<td>$630</td>
<td>01/23/14. No previous editions accepted.</td>
</tr>
<tr>
<td>Petition for Amerasian, Widow(er), or Special Immigrant</td>
<td>I-360</td>
<td>$405. See Special Instructions.</td>
<td>03/05/13. No previous editions accepted.</td>
</tr>
<tr>
<td>Affidavit of Financial Support and Intent to Petition for Legal Custody for Public Law 97-359 Amerasian</td>
<td>I-361</td>
<td>$0</td>
<td>12/17/12. Previous editions accepted.</td>
</tr>
<tr>
<td><strong>Title</strong></td>
<td><strong>Form Number</strong></td>
<td><strong>Filing Fee</strong></td>
<td><strong>Edition</strong></td>
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</tr>
<tr>
<td>Request to Enforce Affidavit of Financial Support and Intent to Petition for Legal Custody for P.L. 97-359 Amerasian</td>
<td>I-363</td>
<td>$0</td>
<td>02/02/15. Previous editions accepted.</td>
</tr>
<tr>
<td>Application to Register Permanent Residence or Adjust Status</td>
<td>I-485</td>
<td>See the form instructions and Special Instructions for payment details. You must make your check payable to Department of Homeland Security.</td>
<td>06/20/13; (01/18/11, 11/23/10, 11/08/10; 7/15/10; 12/03/09 editions also accepted.)</td>
</tr>
<tr>
<td>Supplement A to Form I-485</td>
<td>I-485 Supplement A</td>
<td>$1,000</td>
<td>06/20/13; (01/18/11; 11/23/10; 12/16/08; 05/27/08 editions also accepted)</td>
</tr>
<tr>
<td>NACARA Supplement to Form I-485 Instructions</td>
<td>I-485 Supplement B</td>
<td>N/A</td>
<td>03/01/98</td>
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<tr>
<td>Instructions for I-485, Supplement E</td>
<td>I-485 Supplement E</td>
<td>$0</td>
<td>06/20/13. Previous editions accepted.</td>
</tr>
<tr>
<td>Waiver of Rights, Privileges, Exemptions and Immunities (Under Section 247(b) of the INA)</td>
<td>I-508</td>
<td>$0</td>
<td>A new edition of this form is coming soon. In the meantime, customers may file using the 01/12/12 or other previous editions.</td>
</tr>
<tr>
<td>Waiver of Rights, Privileges, Exemptions, and Immunities</td>
<td>I-508F</td>
<td>$0</td>
<td>A new edition of this form is coming soon. In the meantime, customers may file using the 01/12/12 or other previous editions.</td>
</tr>
<tr>
<td>Immigrant Petition by Alien Entrepreneur</td>
<td>I-526</td>
<td>$1,500</td>
<td>09/24/13. No previous editions accepted.</td>
</tr>
<tr>
<td>Application To Extend/Change Nonimmigrant Status</td>
<td>I-539</td>
<td>See Special Instructions.</td>
<td>12/18/12 (10/07/11; 01/19/11; 11/23/10; 07/15/10; 12/11/09; 06/12/09 editions also accepted)</td>
</tr>
<tr>
<td>For persons seeking V nonimmigrant status while in the United States or extension of V status</td>
<td>I-539, Supplement A</td>
<td>N/A</td>
<td>12/12/11 Previous editions accepted.</td>
</tr>
<tr>
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<tr>
<td>Interagency Record of Request -- A, G or NATO Dependent Employment Authorization or Change/ Adjustment to/from A, G or NATO Status</td>
<td>I-566</td>
<td>$0</td>
<td>06/12/13. No previous editions accepted.</td>
</tr>
<tr>
<td>Application for Asylum and Withholding of Removal</td>
<td>I-589</td>
<td>$0</td>
<td>12/29/2014 Previous editions accepted.</td>
</tr>
<tr>
<td>Petition to Classify Orphan as an Immediate Relative</td>
<td>I-600</td>
<td>The filing fee for Form I-600 is $720. - There is no fee if you are filing based on an approved Form I-600A filed within the previous 18 months. - A biometric services fee of $85 is required for each adult age 18 or older living in the household where the child will reside unless previous fingerprint clearances are still valid or the individuals are eligible for a one-time, no-fee re-fingerprinting. Residents living abroad are exempt from USCIS biometric services fees. - A petitioner filing multiple petitions for orphans who are siblings must pay one set of petition and biometric services fees, if applicable. - A petitioner filing multiple petitions for orphans who are not siblings, must pay the form filing fees for each additional petition; however, only one set of biometric services fees is due if required.</td>
<td>02/01/15; (On March 23, 2015, USCIS will accept only the 02/01/15 edition. USCIS will not accept editions dated 03/05/13 on or after 03/23/15.)</td>
</tr>
<tr>
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<tr>
<td>Application for Advance Processing of Orphan Petition</td>
<td>I-600A</td>
<td>The filing fee for Form I-600A is $720. An additional biometric services fee of $85 is required for every adult age 18 or older living in the household where the child will reside. Residents living abroad are exempt from USCIS biometric services fees.</td>
<td>02/01/15; (On March 23, 2015, USCIS will accept only the 02/01/15 edition. USCIS will not accept editions dated 03/05/13 on or after 03/23/15.)</td>
</tr>
<tr>
<td>Application for Waiver of Grounds of Inadmissibility</td>
<td>I-601</td>
<td>$585</td>
<td>A new edition of this form is coming soon. In the meantime, customers may file using the 12/16/12 or other previous editions.</td>
</tr>
<tr>
<td>Application for Provisional Unlawful Presence Waiver</td>
<td>I-601A</td>
<td>The fee is $585. If you are younger than 79, you must also pay $85 for biometric services.</td>
<td>03/04/13.</td>
</tr>
<tr>
<td>Application By Refugee ForWaiver of Grounds of Excludability</td>
<td>I-602</td>
<td>$0</td>
<td>06/30/14. Previous editions accepted.</td>
</tr>
<tr>
<td>Application for Waiver of the Foreign Residence Requirement</td>
<td>I-612</td>
<td>$585</td>
<td>A new edition of this form is coming soon. In the meantime, customers may file using the 02/28/13 or other previous editions.</td>
</tr>
<tr>
<td>(under Section 212(e) of the Immigration and Nationality Act, as Amended)</td>
<td></td>
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<tr>
<td>Health and Human Services</td>
<td>I-643</td>
<td>$0</td>
<td>01/08/13. Previous editions accepted.</td>
</tr>
<tr>
<td>Statistical Data for Refugee/Asylee Adjusting Status</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Application for Status as a Temporary Resident Under Section 245A of the Immigration and Nationality Act</td>
<td>I-687</td>
<td>$1,130. (An $85 fee per applicant over 14 years of age for biometrics services may be required. See form instructions.)</td>
<td>A new edition of this form is coming soon. In the meantime, customers may file using the 02/07/13 edition or other previous editions.</td>
</tr>
<tr>
<td>Application for Waiver of Grounds of Inadmissibility</td>
<td>I-690</td>
<td>$200</td>
<td>A new edition of this form is coming soon. In the meantime, customers may file using the 11/04/2012, 11/23/10 or 01/06/10 editions.)</td>
</tr>
<tr>
<td>Title</td>
<td>Form Number</td>
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</tr>
<tr>
<td>Report of Medical Examination and Vaccination Record</td>
<td>I-693</td>
<td>$0. Note that USCIS does not regulate fees charged by civil surgeons for medical examinations. Fees may vary by physician.</td>
<td>A new edition of this form is coming soon. In the meantime, customers may file using the 01/15/13 or 10/11/11 editions.</td>
</tr>
<tr>
<td>Notice of Appeal of Decision Under Sections 245A or 210 of the Immigration and Nationality Act</td>
<td>I-694</td>
<td>$755</td>
<td>12/16/12. (09/23/11, 11/23/10, 09/09/09, 08/21/08 also accepted)</td>
</tr>
<tr>
<td>Application to Adjust Status from Temporary to Permanent Resident (Under Section 245A of the INA)</td>
<td>I-698</td>
<td>$1,020, regardless of when filed. (An $85 per applicant fee for biometrics may be required - unless under 14 years of age or older than 79 years of age.)</td>
<td>03/11/13. (01/12/11, 11/23/10 and 12/29/09 editions also accepted.)</td>
</tr>
<tr>
<td>Refugee/Asylee Relative Petition</td>
<td>I-730</td>
<td>No fee</td>
<td>01/15/13. No previous editions accepted.</td>
</tr>
<tr>
<td>Petition to Remove the Conditions of Residence</td>
<td>I-751</td>
<td>$505.</td>
<td>04/11/13. No previous editions accepted.</td>
</tr>
<tr>
<td>Application for Employment Authorization</td>
<td>I-765</td>
<td>The filing fee for Form I-765 is $380. If you request consideration of deferred action for childhood arrivals, category (c)(33), you must also pay an $85 biometric services fee for a total of $465. There is no biometric services fee for any other employment category. Some filing types are fee exempt. See the form instructions for more information.</td>
<td>04/01/2013. (Previous editions, dated 05/27/08 or later, also accepted.)</td>
</tr>
<tr>
<td>Application for Replacement of Northern Mariana Card</td>
<td>I-777</td>
<td>$15</td>
<td>04/26/12; Previous editions accepted.</td>
</tr>
<tr>
<td>Title</td>
<td>Form Number</td>
<td>Filing Fee</td>
<td>Edition</td>
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</tr>
<tr>
<td>Petition to Classify Convention Adoptee as an Immediate Relative</td>
<td>I-800</td>
<td>No fee is required for the first Form I-800 filed for a child on the basis of an approved Form I-800A. If more than one Form I-800 is filed during the approval period for different children, the fee is $720 for the second and each subsequent Form I-800. However, if the children are siblings before the proposed adoption, no additional filing fee is required.</td>
<td>06/01/11; (11/23/10; 04/16/09; 09/10/09; 02/25/08 editions also accepted)</td>
</tr>
<tr>
<td>Application for Determination of Suitability to Adopt a Child from a Convention Country</td>
<td>I-800A</td>
<td>$720 (An $85 fee for biometrics is required for the applicant - and spouse, if any. Additionally, an $85 fee for biometrics is required for each person 18 years of age or older who is living with the applicant. See form instructions for additional details.)</td>
<td>11/23/10; (04/16/09; 09/10/09; 02/25/08 editions also accepted).</td>
</tr>
<tr>
<td>Application for Family Unity Benefits</td>
<td>I-817</td>
<td>$435 (An $85 per person fee for biometric services is required if you are 14 years of age or older.)</td>
<td>06/26/13. No previous editions accepted.</td>
</tr>
<tr>
<td>Application for Temporary Protected Status</td>
<td>I-821</td>
<td>$50 for first time applicants. There is no application fee for re-registration. An $85 per person fee for biometric services may be required.</td>
<td>02/20/14. No previous editions accepted.</td>
</tr>
<tr>
<td>Consideration ofDeferred Action for Childhood Arrivals</td>
<td>I-821D</td>
<td>The total fee for Forms I-821D, I-765 and the I-765WS is $465. This fee includes a $380 fee for Form I-765 and an $85 biometric services fee.</td>
<td>06/04/14. No previous editions accepted.</td>
</tr>
<tr>
<td>Application for Action on an Approved Application or Petition</td>
<td>I-824</td>
<td>$405</td>
<td>09/30/13. No previous editions accepted.</td>
</tr>
<tr>
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<tr>
<td>Petition by Entrepreneur to Remove Conditions</td>
<td>I-829</td>
<td>$3,750</td>
<td>A new edition of this form is coming soon. In the meantime, customers may file using the 03/11/13 or other previous editions.</td>
</tr>
<tr>
<td></td>
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<td>(Add $85 biometric fee for a total of $3,835. An additional biometric services fee of $85 must be paid for each conditional resident dependent, listed under Part 3 or Part 4 of Form I-829. See the form instructions for additional details.)</td>
<td></td>
</tr>
<tr>
<td>Inter-Agency Alien Witness and Informant Record</td>
<td>I-854</td>
<td>$0</td>
<td>7/24/13. Previous editions accepted.</td>
</tr>
<tr>
<td>Affidavit of Support Under Section 213A of the Act</td>
<td>I-864</td>
<td>$0</td>
<td>03/22/13. No previous editions accepted.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Although USCIS does not charge a fee for this form, the Department of State does charge a fee when the Affidavit of Support is reviewed domestically. This does not apply when the Affidavit of Support is filed abroad.</td>
<td></td>
</tr>
<tr>
<td>Contract Between Sponsor and Household Member</td>
<td>I-864A</td>
<td>$0</td>
<td>03/22/13. Previous editions accepted.</td>
</tr>
<tr>
<td>Affidavit of Support Under Section 213A of the Act</td>
<td>I-864EZ</td>
<td>$0</td>
<td>03/22/13. Previous editions accepted.</td>
</tr>
<tr>
<td></td>
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<td>Although USCIS does not charge a fee for this form, the Department of State does charge a fee when the Affidavit of Support is reviewed domestically. This does not apply when the Affidavit of Support is filed abroad.</td>
<td></td>
</tr>
<tr>
<td>Poverty Guidelines</td>
<td>I-864P</td>
<td>$0</td>
<td>03/01/15. Previous editions should not be used.</td>
</tr>
<tr>
<td>Intending Immigrant's Affidavit of Support Exemption</td>
<td>I-864W</td>
<td>$0</td>
<td>03/22/13. Previous editions accepted.</td>
</tr>
<tr>
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<td></td>
<td>Although USCIS does not charge a fee for this form, the Department of State does charge a fee when the Affidavit of Support is reviewed domestically. This does not apply when the Affidavit of Support is filed abroad.</td>
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<tr>
<td>Sponsor's Notice of Change of Address</td>
<td>I-865</td>
<td>$0</td>
<td>A new edition of this form is coming soon. In the meantime, customers may file using the 01/03/13 and 10/26/10 editions.</td>
</tr>
<tr>
<td>Application for Suspension of Deportation or Special Rule Cancellation of Removal (Pursuant to Section 203 of Public Law 105-100 NACARA)</td>
<td>I-881</td>
<td>$285</td>
<td>02/02/15. Previous editions accepted.</td>
</tr>
<tr>
<td>Application for Authorization to Issue Certification for Health Care Workers</td>
<td>I-905</td>
<td>$230</td>
<td>A new edition of this form is coming soon. 2/11/14 (10/30/11 edition also accepted)</td>
</tr>
<tr>
<td>Request for Premium Processing Service</td>
<td>I-907</td>
<td>$1,225</td>
<td>A new edition of this form is coming soon. In the meantime, customers may file using the 10/19/11 or other previous editions.</td>
</tr>
<tr>
<td>Request for Fee Waiver</td>
<td>I-912</td>
<td>$0</td>
<td>05/10/13. Previous editions accepted.</td>
</tr>
<tr>
<td>HHS Poverty Guidelines for Fee Waiver Request</td>
<td>I-912P</td>
<td>NA</td>
<td>01/23/15 Previous editions should not be used.</td>
</tr>
<tr>
<td>Application for T Nonimmigrant Status</td>
<td>I-914</td>
<td>$0 (Biometrics services may be required at no cost to the applicant.)</td>
<td>07/29/14. 05/04/12, 02/01/11, and 03/30/09 editions also accepted.</td>
</tr>
<tr>
<td>Petition for U Nonimmigrant Status</td>
<td>I-918</td>
<td>$0 (Biometrics services may be required at no cost to the applicant.)</td>
<td>01/15/13. (11/23/10 and 08/31/07 editions also accepted.)</td>
</tr>
<tr>
<td>Application For Regional Center Under the Immigrant Investor Pilot Program</td>
<td>I-924</td>
<td>$6,230</td>
<td>A new edition of this form is coming soon. In the meantime, customers may file using the 01/03/13 and 11/23/10 editions.</td>
</tr>
<tr>
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<tr>
<td>Supplement to Form I-924</td>
<td>I-924A</td>
<td>$0</td>
<td>A new edition of this form is coming soon. In the meantime, customers may file using the 01/03/13 and 11/23/10 editions.</td>
</tr>
<tr>
<td>Petition for Qualifying Family Member of a U-1 Nonimmigrant</td>
<td>I-929</td>
<td>$215</td>
<td>A new edition of this form is coming soon. In the meantime, customers may file using the 01/22/13 or other previous editions.</td>
</tr>
<tr>
<td>Monthly Report Naturalization Papers</td>
<td>N-4</td>
<td>$0</td>
<td>01/22/13. 11/09/09 edition also accepted.</td>
</tr>
<tr>
<td>Application to File Declaration of Intention</td>
<td>N-300</td>
<td>$250</td>
<td>03/21/13. No previous editions accepted.</td>
</tr>
<tr>
<td>Request for a Hearing on a Decision in Naturalization Proceedings</td>
<td>N-336</td>
<td>$650</td>
<td>01/07/13. Previous editions not accepted.</td>
</tr>
<tr>
<td>Request for Certification of Military or Naval Service</td>
<td>N-400</td>
<td>$595</td>
<td>09/13/13. No previous editions accepted.</td>
</tr>
<tr>
<td>Application to Preserve Residence for Naturalization Purposes</td>
<td>N-426</td>
<td>$0</td>
<td>04/30/13; Previous editions accepted.</td>
</tr>
<tr>
<td>Application to Preserve Residence for Naturalization Purposes</td>
<td>N-470</td>
<td>$330</td>
<td>01/03/13. No previous editions accepted.</td>
</tr>
<tr>
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</tr>
<tr>
<td>Application for Replacement Naturalization/Citizenship Document</td>
<td>N-565</td>
<td>$345</td>
<td>A new edition of this form is coming soon. In the meantime, customers may file using the 02/28/13 edition or other previous editions.</td>
</tr>
<tr>
<td>Application for Certificate of Citizenship</td>
<td>N-600</td>
<td>$600. See exceptions under “Special Instructions.”</td>
<td>02/03/15. Previous editions accepted.</td>
</tr>
<tr>
<td>Application for Citizenship and Issuance of Certificate Under Section 322</td>
<td>N-600K</td>
<td>$600. ($550 if filing for an adopted child, see form instructions for additional information.)</td>
<td>05/03/13. Previous editions not accepted.</td>
</tr>
<tr>
<td>Application for Posthumous Citizenship</td>
<td>N-644</td>
<td>$0</td>
<td>12/02/12. Previous editions accepted.</td>
</tr>
<tr>
<td>Medical Certification for Disability Exceptions</td>
<td>N-648</td>
<td>$0</td>
<td>A new edition of this form is coming soon. In the meantime, customers may file using the 12/07/12 or other previous editions.</td>
</tr>
</tbody>
</table>
### B. USCIS WAITING TIMES

**Field Office Processing Dates for 26 Federal Plaza and Long Island City as of: January 31, 2015**

<table>
<thead>
<tr>
<th>Form Number</th>
<th>Title</th>
<th>Processing Timeframe</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-485</td>
<td>Application to Register Permanent Residence or to Adjust Status</td>
<td>6 / 25 / 2014</td>
</tr>
<tr>
<td>N-400</td>
<td>Application for Naturalization</td>
<td>6 / 26 / 2014</td>
</tr>
<tr>
<td>N-600</td>
<td>Application for Certification of Citizenship</td>
<td>1 / 13 / 2014</td>
</tr>
</tbody>
</table>

**Field Office Processing Dates for National Benefits Center as of: January 31, 2015**

<table>
<thead>
<tr>
<th>Form Number</th>
<th>Title</th>
<th>Classification or Basis for Filing:</th>
<th>Processing Timeframe:</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-102</td>
<td>Application for Replacement/Initial Nonimmigrant Arrival/Departure Record</td>
<td>Initial issuance or replacement of a Form I-94</td>
<td>11 / 16 / 2014</td>
</tr>
<tr>
<td>I-131</td>
<td>Application for Travel Document</td>
<td>All other applicants for advance parole</td>
<td>3 Months</td>
</tr>
<tr>
<td>I-539</td>
<td>Application to Extend/Change Nonimmigrant Status</td>
<td>All other extension applications</td>
<td>10 / 7 / 2014</td>
</tr>
<tr>
<td>I-600</td>
<td>Petition to Classify Orphan as an Immediate Relative.</td>
<td>U.S. citizen filing to adopt an orphan</td>
<td>11 / 16 / 2014</td>
</tr>
<tr>
<td>I-765</td>
<td>Application for Employment Authorization</td>
<td>Based on a pending I-485 adjustment application [(c)(9)]</td>
<td>3 Months</td>
</tr>
<tr>
<td>I-765</td>
<td>Application for Employment Authorization</td>
<td>All other applications for employment authorization</td>
<td>3 Months</td>
</tr>
<tr>
<td>I-824</td>
<td>Application for Action on an Approved Application or Petition</td>
<td>To request further action on an approved application or petition</td>
<td>11 / 1 / 2014</td>
</tr>
<tr>
<td>I-90</td>
<td>Application to Replace Permanent Resident Card</td>
<td>Initial issuance or replacement</td>
<td>7 / 16 / 2014</td>
</tr>
<tr>
<td>I-90</td>
<td>Application to Replace Permanent Resident Card</td>
<td>10-year renewal</td>
<td>7 / 16 / 2014</td>
</tr>
</tbody>
</table>
D. GENERAL FEE WAIVER GUIDANCE

USCIS permits a waiver of the filing fee for many applications if the applicant can document they are unable to pay the filing fee. Fee Waiver requests must be submitted at the same time as the application by filing Form I-912, Request for Fee Waiver.

Generally, you must meet one of the three following criteria and include supporting documents for USCIS to grant your fee waiver request:

1. You receive a means-tested benefit from a State or Federal agency;
2. Your household income is at or below 150% of the Federal Poverty Guidelines at the time of filing; or
3. You have a financial hardship caused by extraordinary expenses or other circumstances.

For more details about how to obtain the documents to support your fee waiver request, see subsection E.

USCIS may waive fees, based on an inability to pay, for the following immigration benefits:

- Biometrics services fee;
- Form I-90, Application to Replace Permanent Resident Card;
- Form I-191, Application for Advance Permission to Return to Unrelinquished Domicile;
- Form I-751, Petition to Remove Conditions on Residence;
- Form I-765, Application for Employment Authorization Document;
- Form I-817, Application for Family Unity Benefits;
- Form I-821, Application for Temporary Protected Status (TPS);
- Form I-881, Application for Suspension of Deportation or Special Rule Cancellation of Removal (Pursuant to Section 203 of Public Law 105-100 [NAcARA]);
- Form I-914, Application for T Nonimmigrant Status;
- Form I-918, Application for U Nonimmigrant Status;
- Form N-300, Application to File Declaration of Intention;
- Form N-336, Request for Hearing on a Decision in Naturalization Proceedings (Under Section 336 of the INA);
- Form N-400, Application for Naturalization;
- Form N-470, Application to Preserve Residence for Naturalization Purposes;
- Form N-565, Application for Replacement of Naturalization/Citizenship Document;
- Form N-600, Application for Certificate of Citizenship; and
- Form N-600K, Application for Citizenship and Issuance of Certificate under Section 322.
Under certain circumstances, in addition to the forms above, USCIS may grant a fee waiver request for the forms below, but you must meet certain conditions in addition to proving an inability to pay the filing fee. Speak with an authorized immigration law expert to determine what conditions you must meet for USCIS to grant a fee waiver for one of the following forms.

- **Form I-131, Application for Travel Document (for Humanitarian Parole only)**;
- **Form I-192, Application for Advance Permission to Enter as Nonimmigrant** for an applicant who is exempt from the public charge grounds of inadmissibility;
- **Form I-193, Application for a Waiver for Passport and/or Visa** for an applicant who is exempt from the public charge grounds of inadmissibility;
- **Form I-290B, Notice of Appeal or Motion**, if the underlying application was fee exempt, the fee was waived, or it was eligible for a fee waiver;
- **Form I-485, Application to Register Permanent Residence or Adjust Status**, for the following individuals:
  - Afghan and Iraqi Interpreter who received Special Immigrant Visa;
  - “Registry” applicant filing under INA §249;
  - Applicants exempt from the public charge grounds of inadmissibility including:
    - Asylees
    - Special Immigrant Juveniles;
    - Applicants under the Cuban Adjustment Act, Haitian Refugee Immigration Fairness Act (HRIFA), and the Nicaraguan Adjustment and Central American Relief Act (NACARA); and
    - Lautenberg Parolees.
- **Form I-601, Application for Waiver of Grounds of Inadmissibility** for applicant exempt from public charge grounds of inadmissibility.

If you apply for a fee waiver and USCIS rejects your request, the agency will send your application back to you instructing you to submit the filing fee. Contact an authorized immigration law expert for assistance.

**E. FEE WAIVER REQUESTS FOR NATURALIZATION APPLICATIONS**

If you are unable to pay the $680 filing fee to apply for naturalization, you can request USCIS to waive it. To qualify, you must prove an “inability to pay.”

Complete **Form I-912, Request for Fee Waiver**, include supporting documentation and submit everything along with your N-400, Application for Naturalization to USCIS to waive the filing fee.

USCIS uses three criteria to determine whether to waive the fee.
1. Receipt of a Means-Tested Benefit from a State or Federal Agency

This is a benefit awarded on the basis of a person’s income and resources. Supplemental Security Income (SSI), Food Stamps or SNAP (Supplemental Nutrition Assistance Program), Temporary Assistance for Needy Families (TANF), and Medicaid are the most commonly awarded benefits. If you are the recipient of the means-tested benefit and you have a spouse, or are the head of household, then your spouse and dependents may also qualify. Evidence that you are currently receiving a means-tested benefit should be in the form of a letter, notice, and/or other official document(s) containing the name of the agency granting you the benefit, your name, and the period of approval of the benefit.

How to obtain proof of means-tested benefits: In New York City, HRA (Human Resources Administration) is in charge of determining eligibility for many of these benefits. If your means-tested benefit application was handled by HRA, you can call HRA’s automated hotline at 718-722-8009 and follow the instructions to obtain a budget letter to prove receipt of SNAP (press 2 for instructions in Spanish). You can also call 929-221-0865 and speak with an HRA representative to obtain a confirmation of public health insurance in the case of Medicaid. If you obtained Medicaid through the Affordable Care Act (ACA) and signed up through the New York State of Health website, you can either log on to https://nystateofhealth.ny.gov and print a confirmation receipt or contact the agency or person who assisted you with enrollment through this website. For confirmation of SSI benefits, contact the Social Security Administration at 800-772-1213. For other means-tested benefits, please contact the government agency that administers or processed your application.

2. Household Income is at or Below 150% of the Federal Poverty Guidelines at the Time of Filing.

Refer to USCIS Form I-912P, HHS Poverty Guidelines for Fee Waiver Requests (page 103), to establish whether your household income is at or below 150% level. This form can be found at www.uscis.gov/forms. The poverty guidelines are revised annually by the Secretary of Health and Human Services and can also be found at www.aspe.hhs.gov/poverty.

A household may include the spouse, parents, and unmarried children under 21 (or 24 if the child is a full-time student). To establish that your household income is at or below the 150% level, you may submit pay stubs, IRS Form W2 and tax return transcripts for the most recent tax year, if employed. You may also submit proof of any income such as other benefits, including for example child support, alimony, or Social Security, or financial support from family members. See instructions to Form I-912 for more information at www.uscis.gov.

3. Financial Hardship Caused by Extraordinary Expenses or Other Circumstances.

The financial hardship must be the result of an “unexpected situation that could not normally be anticipated.” For example, a sudden illness that leaves you unable to work. You should submit proof of all assets owned or controlled by you and your dependents such as real estate, bank accounts, stocks or bonds (but not pension plans or IRA’s) as well as evidence of any liabilities and expenses.
While USCIS suggests that establishing any one of the above three criteria will lead to a grant of a fee waiver, you should feel free to submit any additional documentation that you believe will be relevant to proving inability to pay.

If you apply for a fee waiver and USCIS rejects your request, the agency will send your application back to you instructing you to submit the filing fee. Contact an authorized immigration law expert if this happens.
Form I-912, Request for Fee Waiver

Request for Fee Waiver
Department of Homeland Security
U.S. Citizenship and Immigration Services

Before you fill out this form, please read the instructions.

Section 1. Information About You (Provide information about yourself. If you are applying for a minor child, provide information about the minor child.)

Line 1. a. Family Name (Last Name)
Line 1. b. Given Name (First Name)
Line 1. c. Middle Initial
Line 2. Alien Registration Number
Line 3. Date of Birth (mm/dd/yyyy)

Line 4. Marital Status
- Never Married
- Divorced
- Marriage Annulled
- Married
- Widower
- Legally Separated

Line 5. Applications and Petitions (Enter the form number(s) of the application(s) and/or petition(s) for which you are requesting a fee waiver.)

Biometrics services fees, where applicable, will be included in the fee waiver request.

Section 2. Additional Information for Dependent(s)

Line 6. Complete the Table below if applicable. (If you need more space, attach a separate sheet of paper.)

<table>
<thead>
<tr>
<th>Name (First, Ml, Last)</th>
<th>A-Number (If applicable)</th>
<th>Is Individual Included in Fee Waiver Request?</th>
<th>Date of Birth (mm/dd/yyyy)</th>
<th>Relationship to You</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>□ Yes □ No</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>□ Yes □ No</td>
<td></td>
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<td>□ Yes □ No</td>
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<td>□ Yes □ No</td>
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<td>□ Yes □ No</td>
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<td></td>
<td>□ Yes □ No</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>□ Yes □ No</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Section 3. Basis for Your Request (Check any that apply. For additional information, see the form instructions.)

- **Line 7.a.** ☐ I am or a relevant member of my household is currently receiving a means-tested benefit. *(Complete Sections 4 and 7.)*
- **Line 7.b.** ☐ My household income is at or below 150% of the Federal Poverty Guidelines. *(Complete Sections 5 and 7.)*
- **Line 7.c.** ☐ I have a financial hardship. *(Complete Sections 5, 6 and 7.)*

### Section 4. Means-Tested Benefit

**Line 8.** Complete the Table Below *(If you need more space, attach a separate sheet of paper.)*

<table>
<thead>
<tr>
<th>Name of Person Receiving the Benefit</th>
<th>Name of Agency Awarding Benefit</th>
<th>Date Benefit Was Awarded</th>
<th>Is This Benefit Being Received Now?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>☐ Yes ☐ No</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>☐ Yes ☐ No</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>☐ Yes ☐ No</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>☐ Yes ☐ No</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>☐ Yes ☐ No</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>☐ Yes ☐ No</td>
</tr>
</tbody>
</table>

### Section 5. Household Income *(Provide evidence of monthly income or other support.)*

- **Line 9.** Other than you, how many others in your household depend on the stated income? ▶

- **Line 10.** Average monthly wage income from household members *(round to the nearest dollar)* ▶

- **Line 11.** Enter other money received each month that is not included in Line 14. *(This could include spousal support, child support, unemployment, etc.)* ▶

**TOTAL** *(USCIS will compare this amount to Federal Poverty Guidelines)* ▶
Section 6. Financial Hardship

Line 12. Describe your particular situation. Be sure to include how this situation has caused you to incur costs (and what the costs were) or loss of income that you have experienced (and what that loss was). Complete this section in English; otherwise, provide an accompanying English translation. (If you need more space, attach a separate sheet of paper.)

If you are currently unemployed, you must complete Lines 13 and 14.

Line 13. Date you became unemployed (mm/dd/yyyy) ▶ □

Line 14. Amount of unemployment compensation (monthly) that you are receiving (enter dollars): □

Line 15. List your assets and the value of your assets. (If you need more space, attach a separate sheet of paper.)

<table>
<thead>
<tr>
<th>Type of Asset</th>
<th>Value (enter dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TOTAL Value of Assets □
Section 6. Financial Hardship (Cont’d)

Line 16. List your average monthly costs, and provide evidence of monthly payments where possible. (If you need more space, attach a separate sheet of paper.)

<table>
<thead>
<tr>
<th>Type of Cost</th>
<th>Value (Enter Dollars)</th>
<th>Type of Cost</th>
<th>Value (Enter Dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rent</td>
<td></td>
<td>Loan Payment</td>
<td></td>
</tr>
<tr>
<td>Mortgage</td>
<td></td>
<td>Commuting Costs</td>
<td></td>
</tr>
<tr>
<td>Food</td>
<td></td>
<td>Medical</td>
<td></td>
</tr>
<tr>
<td>Utilities</td>
<td></td>
<td>School</td>
<td></td>
</tr>
<tr>
<td>Child/Elder Care</td>
<td></td>
<td>Other Expenses</td>
<td></td>
</tr>
<tr>
<td>Insurance</td>
<td></td>
<td>TOTAL Monthly Costs</td>
<td></td>
</tr>
</tbody>
</table>

Section 7. Your Signature and Authorization

Do not sign your Form I-912 until it is complete and you are ready to file.

I take full responsibility for the accuracy of all the information provided, including all supporting documentation. I authorize the release of any information, including the release of my Federal tax returns, that USCIS needs to determine my eligibility.

Each person applying for a fee waiver request must sign Form I-912. This includes individuals identified in Sections 1 and 2 if 14 years of age or older. (If you need more space, attach a separate sheet of paper.)

Line 17. Your Signature ____________________________ Date (mm/dd/yyyy) ____________
Printed Name ____________________________

Line 17.1. Additional Signature ____________________________ Date (mm/dd/yyyy) ____________
Printed Name ____________________________

Line 17.2. Additional Signature ____________________________ Date (mm/dd/yyyy) ____________
Printed Name ____________________________

Line 17.3. Additional Signature ____________________________ Date (mm/dd/yyyy) ____________
Printed Name ____________________________

Line 17.4. Additional Signature ____________________________ Date (mm/dd/yyyy) ____________
Printed Name ____________________________
### Section 7. Your Signature and Authorization (continued)

<table>
<thead>
<tr>
<th>Line</th>
<th>Additional Signature</th>
<th>Date (mm/dd/yyyy)</th>
</tr>
</thead>
<tbody>
<tr>
<td>17.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Printed Name</td>
<td></td>
</tr>
<tr>
<td>17.6</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Printed Name</td>
<td></td>
</tr>
<tr>
<td>17.7</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Printed Name</td>
<td></td>
</tr>
</tbody>
</table>
# Form I-912P for Use with Form I-912, Fee Waiver Request

### 2015 HHS Poverty Guidelines for Fee Waiver Request

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

---

**2015 HHS Poverty Guidelines**

For the 48 Contiguous States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands:

<table>
<thead>
<tr>
<th>Household Size</th>
<th>150% of HHS Poverty Guidelines*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$17,655</td>
</tr>
<tr>
<td>2</td>
<td>$23,895</td>
</tr>
<tr>
<td>3</td>
<td>$30,135</td>
</tr>
<tr>
<td>4</td>
<td>$36,375</td>
</tr>
<tr>
<td>5</td>
<td>$42,615</td>
</tr>
<tr>
<td>6</td>
<td>$48,855</td>
</tr>
<tr>
<td>7</td>
<td>$55,095</td>
</tr>
<tr>
<td>8</td>
<td>$61,335</td>
</tr>
</tbody>
</table>

Add $6,240 for each additional person.

---

For Alaska:

<table>
<thead>
<tr>
<th>Household Size</th>
<th>150% of HHS Poverty Guidelines*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$22,080</td>
</tr>
<tr>
<td>2</td>
<td>$29,880</td>
</tr>
<tr>
<td>3</td>
<td>$37,680</td>
</tr>
<tr>
<td>4</td>
<td>$45,480</td>
</tr>
<tr>
<td>5</td>
<td>$53,280</td>
</tr>
<tr>
<td>6</td>
<td>$61,080</td>
</tr>
<tr>
<td>7</td>
<td>$68,880</td>
</tr>
<tr>
<td>8</td>
<td>$76,680</td>
</tr>
</tbody>
</table>

Add $7,800 for each additional person.

---

For Hawaii:

<table>
<thead>
<tr>
<th>Household Size</th>
<th>150% of HHS Poverty Guidelines*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$30,325</td>
</tr>
<tr>
<td>2</td>
<td>$37,945</td>
</tr>
<tr>
<td>3</td>
<td>$45,565</td>
</tr>
<tr>
<td>4</td>
<td>$53,185</td>
</tr>
<tr>
<td>5</td>
<td>$60,805</td>
</tr>
<tr>
<td>6</td>
<td>$68,425</td>
</tr>
<tr>
<td>7</td>
<td>$76,045</td>
</tr>
<tr>
<td>8</td>
<td>$83,665</td>
</tr>
</tbody>
</table>

Add $7,170 for each additional person.

---

*These poverty guidelines remain in effect for use with Form I-912, Request for Fee Waiver, from January 23, 2015 until new guidelines go into effect in 2016.*
# C. POVERTY GUIDELINES

Form I-864P for Use with Form I-864, Affidavit of Support

### 2015 HHS Poverty Guidelines for Affidavit of Support

**Minimum Income Requirements for Use in Completing Form I-864**

For the 48 Contiguous States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands:

<table>
<thead>
<tr>
<th>Sponsor’s Household Size</th>
<th>100% of HHS Poverty Guidelines*</th>
<th>125% of HHS Poverty Guidelines*</th>
</tr>
</thead>
<tbody>
<tr>
<td>For sponsors on active duty in the U.S. Armed Forces who are petitioning for their spouse or child</td>
<td>$15,930</td>
<td>$39,912</td>
</tr>
<tr>
<td>2</td>
<td>$21,000</td>
<td>$52,512</td>
</tr>
<tr>
<td>3</td>
<td>$24,250</td>
<td>$60,512</td>
</tr>
<tr>
<td>4</td>
<td>$28,410</td>
<td>$70,012</td>
</tr>
<tr>
<td>5</td>
<td>$32,570</td>
<td>$80,012</td>
</tr>
<tr>
<td>6</td>
<td>$36,730</td>
<td>$90,012</td>
</tr>
<tr>
<td>7</td>
<td>$40,890</td>
<td>$100,012</td>
</tr>
<tr>
<td>Add $4,160 for each additional person.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

For all other sponsors:

<table>
<thead>
<tr>
<th>Sponsor’s Household Size</th>
<th>100% of HHS Poverty Guidelines*</th>
<th>125% of HHS Poverty Guidelines*</th>
</tr>
</thead>
<tbody>
<tr>
<td>For sponsors on active duty in the U.S. Armed Forces who are petitioning for their spouse or child</td>
<td>$19,912</td>
<td>$51,112</td>
</tr>
<tr>
<td>2</td>
<td>$25,200</td>
<td>$60,412</td>
</tr>
<tr>
<td>3</td>
<td>$28,360</td>
<td>$60,912</td>
</tr>
<tr>
<td>4</td>
<td>$31,520</td>
<td>$70,012</td>
</tr>
<tr>
<td>5</td>
<td>$34,680</td>
<td>$80,012</td>
</tr>
<tr>
<td>6</td>
<td>$37,840</td>
<td>$90,012</td>
</tr>
<tr>
<td>7</td>
<td>$41,000</td>
<td>$100,012</td>
</tr>
<tr>
<td>Add $5,200 for each additional person.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### For Alaska:

<table>
<thead>
<tr>
<th>Sponsor’s Household Size</th>
<th>100% of HHS Poverty Guidelines*</th>
<th>125% of HHS Poverty Guidelines*</th>
</tr>
</thead>
<tbody>
<tr>
<td>For sponsors on active duty in the U.S. Armed Forces who are petitioning for their spouse or child</td>
<td>$19,920</td>
<td>$49,800</td>
</tr>
<tr>
<td>2</td>
<td>$25,120</td>
<td>$60,300</td>
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<tr>
<td>3</td>
<td>$28,320</td>
<td>$70,800</td>
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<tr>
<td>4</td>
<td>$31,520</td>
<td>$80,300</td>
</tr>
<tr>
<td>5</td>
<td>$34,720</td>
<td>$90,800</td>
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<tr>
<td>6</td>
<td>$37,920</td>
<td>$100,300</td>
</tr>
<tr>
<td>7</td>
<td>$41,120</td>
<td>$110,300</td>
</tr>
<tr>
<td>Add $5,200 for each additional person.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### For Hawaii:

<table>
<thead>
<tr>
<th>Sponsor’s Household Size</th>
<th>100% of HHS Poverty Guidelines*</th>
<th>125% of HHS Poverty Guidelines*</th>
</tr>
</thead>
<tbody>
<tr>
<td>For sponsors on active duty in the U.S. Armed Forces who are petitioning for their spouse or child</td>
<td>$19,930</td>
<td>$49,830</td>
</tr>
<tr>
<td>2</td>
<td>$25,130</td>
<td>$60,330</td>
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<tr>
<td>3</td>
<td>$28,330</td>
<td>$70,830</td>
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<tr>
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<td>$31,530</td>
<td>$80,330</td>
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<td>$90,830</td>
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</tr>
<tr>
<td>Add $5,200 for each additional person.</td>
<td></td>
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</tr>
</tbody>
</table>

### Means-Tested Public Benefits

**Federal Means-Tested Public Benefits.** To date, Federal agencies administering benefit programs have determined that Federal means-tested public benefits include Food Stamps, Medicaid, Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), and the State Child Health Insurance Program (SCHIP).

**State Means-Tested Public Benefits.** Each State will determine which, if any, of its public benefits are means-tested. If a State determines that it has programs which meet this definition, it is encouraged to provide notice to the public on which programs are included. Check with the State public assistance office to determine which, if any, State assistance programs have been determined to be State means-tested public benefits.

**Programs Not Included:** The following Federal and State programs are not included as means-tested benefits: unemployment, Medicaid, short-term, non-acute emergency medical, services provided under the National School Lunch and Child Nutrition Acts; immunizations and testing and treatment for communicable diseases; student assistance under the Higher Education Act and the Public Health Service Act; certain forms of foster-care or adoption assistance under the Social Security Act; Head Start Programs; means-tested programs under the Elementary and Secondary Education Act; and Job Training Partnership Act programs.

*These poverty guidelines remain in effect for use with Form I-864, Affidavit of Support, from March 1, 2015 until new guidelines go into effect in 2016.*
11. WHERE TO FIND LEGAL, ESL, AND OTHER SERVICES

A. FINDING IMMIGRATION LEGAL SERVICES

Remember, the organizations listed on the websites mentioned below often change the services they provide, the languages they offer, and their fees due to factors such as funding, and many times these websites cannot reflect the changes immediately. We recommend that you contact the organizations to find up-to-date information, and to find out about their intake and appointment procedures.

Free and Low Cost Providers in New York

The New Americans Hotline
New York City: 212-419-3737
Outside New York City: 800-566-7636

Provided by the New York State Office for New Americans this hotline can help you find free or low cost authorized immigration legal services providers.

NYC 311

To find free or low cost authorized immigration legal services providers in New York City, call 311.

Free and Low Cost Providers Outside New York

Citizenship Works
citizenshipworks.org

For assistance with naturalization and citizenship, visit Citizenship Works.org and enter your zip code. You may also use Citizenship Works.org to search for non-legal services such as ESL classes.

ImmigrationLawHelp.org

ImmigrationLaw Help
immigrationlawhelp.org

Visit ImmigrationLawHelp.org to find assistance with various types of immigration legal services (family immigration, Temporary Protected Status [TPS], self-petitioning for abused spouses [VAWA], asylum, deportation defense). You can search by zip code and refine your search by clicking ‘Areas of immigration legal assistance’ at the bottom of the page.
Private Attorneys

American Immigration Lawyers Association’s (AILA) Immigration Lawyer Search
ailalawyer.com

A person may use this on-line attorney locator service to search for a private attorney by language, area of immigration expertise, and geographic area.

New York City Bar Association’s Legal Referral Service
212-626-7373 (English)
213-626-7374 (Spanish)

The New York City Bar Association’s Legal Referral Service provides referrals to private lawyers who are screened for experience, legal knowledge and ethics.

B. FINDING ENGLISH AND CIVICS COURSES

To find English and Civics class in New York City, call 311.

To find English as a Second Language (ESL) and Civics classes outside New York City, visit LiteracyDirectory.org. Just enter your zip code and check the classes you are interested in to find programs near you.

To find study materials for the naturalization interview and test, visit uscis.gov/citizenship.

There are a number of opportunities available at CUNY to improve your English language skills. Visit cuny.edu/continuinged to search for current continuing education classes. To find a class, use the drop-down menu on the left titled “View Program Area” and choose “Language”. In the page that comes up, use the drop-down menu titled “Language” and choose “English Language”. You are now on a page that lists all the current English language continuing classes at CUNY. Use the drop-down menus titled “All CUNY Colleges” and “All Boroughs” to narrow down your search.

CUNY also offers the CUNY Language Immersion Program (CLIP) for CUNY students. The CLIP program offers academic English language preparation at nine CUNY campuses for those students who have been admitted to CUNY but need to improve their English skills before enrolling in a credit program.
Students learn English by studying topics such as American history, literature, environmental studies among others. The program allows, students to build knowledge and academic skills as they develop their English language skills. CLIP students also learn the computer skills they need for college. For more information about CLIP, visit clip.cuny.edu

Through a grant provided by the New York State Office for New Americans (ONA), CUNY Citizenship Now! offers free English as a Second Language (ESL) classes. For more information about these classes, call 212-568-4658.

Through a grant provided by the Department of Homeland Security (DHS), CUNY Citizenship Now! offers free naturalization interview and test prep classes for permanent residents. For more information about these classes call 718-552-1140.
12. GLOSSARY*

**245(i):** An expired section of the Immigration and Nationality Act (INA) which allowed certain people to apply for adjustment of status to Lawful Permanent Resident (LPR) even if they had immigration violations, such as overstaying a visa, working without authorization, or entering without inspection. Although the law has expired, some people who qualified under the law can still benefit from it. (For details on who can benefit, see page 52 of this manual).

**3-and-10 year bars to re-entry:** This is a ground of inadmissibility under the Immigration and Nationality Act (INA). It is a penalty applied to those unlawfully present in the United States that was established by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). There is a three-year bar to re-entering the United States for a foreign national who departs from the United States after being unlawfully present in the United States for over 180 days but less than one year and who departs the United States before removal proceedings are commenced. The ten-year bar applies to foreign nationals unlawfully present for one year or more and who subsequently depart the United States.

**“A” number:** The USCIS file number used to locate non-citizens’ immigration files. An individual should have the A-number ready whenever communicating with USCIS so USCIS can locate their file. The “A” number is noted on the Alien Registration and Permanent Resident cards (green card). It is an “A” followed by either eight or nine numbers. For example: A12 345 678 or A200 345 678. On newer versions of Permanent Resident cards, the “A” number is referred to as the “USCIS” number. The “A” number is also found on notices and communications from USCIS and immigration court.

**Accredited Representative:** By law, the only people who may give legal advice or represent people before the immigration courts or U.S. Department of Homeland Security (DHS), for example before USCIS, are attorneys who are licensed to practice law in at least one state of the United States and who are in good standing, or non-attorney representatives who are Board of Immigration Appeals (BIA) Accredited. An Accredited Representative is a person who has been approved by the BIA to represent immigrants. The Accredited Representative must work for a specific non-profit, religious, charitable, social service, or similar organization that is recognized by the BIA to represent immigrants.

**Abandonment of residence:** A determination made by USCIS or an immigration judge or the BIA that effectively revokes a Lawful Permanent Resident’s (LPR’s) green card status. A determination of abandonment of residence can occur if, for example, year after year the LPR spends more time abroad than inside the United States, or if an LPR is outside of the United States for a year or more.

**Adjustment of status:** The process a person goes through inside the United States to change immigration status to become a lawful permanent resident. This is different from a “change of status” from one non-immigrant status to another (ex. F1 student to H1B worker). For those applying for permanent residence outside of the United States, the process is called “consular processing”.

Admissible: A person who does not fall under any of the grounds of inadmissibility (see “Inadmissibility, grounds of”) and thus, may enter or remain in the country. An applicant for Lawful Permanent Resident (LPR) status, must be admissible in order to qualify for permanent residence.

Advance parole: Before a non-citizen departs the United States, he/she can apply for prior authorization from USCIS to depart the United States temporarily and then return to the United States after a particular type of trip. This is for people who have certain applications for immigration benefits pending (e.g., adjustment of status or asylum) or who have already been granted a temporary immigration benefit, such as Temporary Protected Status (TPS) or Deferred Action for Childhood Arrivals (DACA).

Aggravated Felony: A term used in immigration law to refer to a broad category of criminal offenses that carry certain severe immigration consequences. They are the most damaging type of criminal convictions for immigration purposes because they can prevent people from obtaining asylum, legal permanent resident status, citizenship, relief from removal (deportation) proceedings and can trigger mandatory detention. Some examples of aggravated felonies include murder, rape, sexual abuse of a minor, misdemeanor marijuana sales, certain domestic violence convictions, and certain theft offenses. The term “aggravated felony” does not have the same meaning when it is used in the criminal justice system. For immigration purposes this term can include misdemeanors such as turnstile jumping, but the term for criminal purposes only includes felonies that have some accompanying aggravating factor (e.g., a weapon involved in the commission of the crime or the death of someone during the commission of the crime).

Asylum: The status granted to a person who has left his/her home country due to a well-founded fear of persecution and who applies for protection while at the border or in the United States. A well-founded fear of persecution means that the person has been or may be persecuted for his/her political opinion, race, nationality, religion or membership in a particular social group. A person granted asylum in the United States is referred to as an “asylee.” [See also the definition of “Refugee”]

Beneficiary: The immigrant who is petitioned for or sponsored by a family member (U.S. citizen, LPR, or asylee) or an employer.

Bona fide: Meaning real or in good faith application, petition, or relationship. For example, for a marriage to be bona fide, the couple’s goal when they married must have been to enter into a real marital union, not solely to get a green card.

Cancellation of removal: A form of relief granted by an immigration judge. This is only available for permanent residents who have been LPRs for at least 5 years, have lived in the United States continuously for 7 years after having been admitted in any status, have not been convicted of an aggravated felony, and have not been granted cancellation of removal or suspension of deportation before [formerly known as “212(c) relief”]; or for noncitizens other than permanent residents who have lived in the United States for at least 10 years, have had good moral character for that time, and who have a U.S. citizen or LPR spouse, parent or child who would suffer exceptional and extremely unusual hardship if the noncitizen were deported [formerly referred to as “suspension of deportation”]. The status of non-citizens other than permanent residents who are granted cancellation of removal is adjusted to LPR.
**Child:** For green card purposes this is an unmarried person under age 21 who has a child-parent relationship recognized by USCIS. Step-children qualify if the marriage that creates the relationship took place before the child was 18. Adopted children qualify as a “child” if adopted before age 16 and if they have been in the legal and physical custody of the adoptive parents for two years. Adopted orphans qualify if petitioned for before age 16 and the parents meet various requirements. Illegitimate children qualify if they immigrate through their mother or if they can show that the father is the biological father and that there is a formal or informal parent/child relationship before the child reaches age 21. To qualify for derivative citizenship a child must be under 18 years old.

**Conditional permanent residence:** Status granted for two years to individuals who immigrate or adjust status through a U.S. citizen spouse within two years of the date of the marriage. In the 90 days prior to the expiration of the conditional green card, the couple must file a joint petition for the spouse to remove the conditions on the green card. There are circumstances and exceptions under which the conditional resident may request a waiver of the joint petition requirement and self-petition to remove the conditions of residence. These circumstances include divorce, abuse or extreme cruelty by the spouse towards the conditional resident, or situations where it would cause an extreme hardship if the conditional resident were deported. When the U.S. citizen spouse petitions for the step-children, and the children immigrate within two years of the marriage creating the step-relationship, the children are also conditional residents.

**Consular processing:** The process by which a person who is outside the United States applies for an immigrant visa at a U.S. consulate overseas. An alternate process, for those who qualify and are inside the United States, is “adjustment of status”. Some non-citizens who are in the United States but are ineligible to adjust status might nevertheless be able to depart the United States to consular process.

**Crime involving moral turpitude (CIMT):** Generally a conviction or admitted commission of a crime which involves intent to commit fraud or theft, intent or threat to do great bodily harm, or lewd intent in some sex crimes. Historically, crimes involving moral turpitude are described as crimes that “shock the conscience” and that are generally considered to be inherently “base, vile, and depraved” as opposed to other offenses that are crimes merely because they are against the law. Non-citizens who have committed CIMTs may be inadmissible, removable, or ineligible for citizenship. Any person with a criminal conviction should speak to an authorized immigration law expert.

**Criminal grounds of inadmissibility or removability:** Crimes which may make a noncitizen inadmissible or removable may include crimes involving moral turpitude, prostitution, possession or sale of drugs (except for “simple” possession of 30 grams or less of marijuana) or guns, and crimes with lengthy sentences. The criminal grounds of inadmissibility are found at Immigration and Nationality Act (INA) §212(a)(2) and the criminal grounds of deportability are found at INA §237(a)(2).

**Deferred Action for Childhood Arrivals (DACA):** On June 15, 2012, President Obama announced a program implementing a process for granting “deferred action” to undocumented youth who meet certain requirements. Those granted deferred action are temporarily protected from deportation and are eligible for permission to work in the United States for. On November 20, 2014, the President announced an expansion of DACA to undocumented people of any age who entered the United States before the age of 16 and lived in the United States continuously since January 1,
2010. Applicants must still meet all of the other requirements under the DACA criteria announced in June 2012. Individuals who qualify for DACA will be granted deferred action for a three-year period, which is renewable so long as the program is active. At the time of writing, however, the expanded DACA program is temporarily halted due to a federal lawsuit. [See Section 4 for DACA]

Deferred Action for Parental Accountability or Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA): On November 20, 2014, President Obama announced a program to grant “deferred action” to undocumented parents of U.S. citizens or lawful permanent residents (green card holders). The program is currently on hold pending a federal lawsuit. When the DAPA program is authorized to start parents will be able to request deferred action and employment authorization if they lived in the U.S. continuously since January 1, 2010, had a U.S. citizen or lawful permanent resident son or daughter on November 20, 2014, and are not an enforcement priority for removal from the U.S. [See Section 4 for DAPA]

Deferred Enforced Departure (DED): The President has the authority to designate certain groups to not be removed (deported) from the United States for a certain period of time. Very often the President will issue a directive granting DED to nationals who will soon have their Temporary Protected Status (TPS) expire. For example, the President directed that certain Liberians whose TPS would expire should receive DED effective through September 30, 2016.

Department of Homeland Security (DHS): Is a cabinet-level agency within the Executive Branch of the U.S. federal government. DHS has many bureaus within it but three of these bureaus are responsible for implementing and enforcing U.S. immigration law: the United States Citizenship and Immigration Services (USCIS), the United States Immigration and Customs Enforcement (ICE), and the United States Customs and Border Protection (CBP).

Deportability, grounds of: A list of reasons a foreign national, who was admitted into the United States, can be expelled (deported) from the United States. In general, the government through the U.S. Department of Homeland Security (DHS) carries the burden to prove that the foreign national must be deported from the United States. The grounds of deportation are found in section 237 of the Immigration and Nationality Act (INA). Some common grounds of deportation include: (1) crimes, (2) overstaying a temporary visa, (3) violating the terms of a temporary visa, (4) smuggling immigrants into the United States, (5) engaging in marriage fraud to get a green card, etc. (Compare with “Inadmissibility, Grounds of”)

Entry without inspection (EWI): It is unlawful to enter the United States without being inspected and admitted by Customs and Border Protection (CBP) (e.g., crossing the U.S. border illegally or hiding in the trunk of a car as it enters the U.S. through a port of entry). This should not be confused with making a fraudulent entry into the United States using a fake or someone else’s document.

 Expedited removal proceedings: Administrative removal proceedings for noncitizens who have not yet entered the United States (usually meaning they were caught at the border), or who entered the United States without inspection and have been living in the country for two years or less. It is undertaken by Department of Homeland Security (DHS) officers, not judges. The person may prove he/she is admissible [see “Admissible”] or ask for asylum, or ask to withdraw her/his application for admission. If you are in expedited removal proceedings, there are no other forms of relief you can request to remain in the United States.
Expungement: A legal process by which an arrest or conviction may be erased from a criminal record. A person still must disclose expunged crimes or arrests for immigration purposes.

Extreme hardship: The standard that must be met for certain waiver applications to be approved. Individuals must show that if the waiver is not granted and they are not allowed to remain in the United States it will cause extreme hardship (hardship above and beyond what a person would normally suffer) to certain qualifying relatives.

Felony: Criminal law usually defines a felony as a crime which may be punished by a year or more in prison. In immigration law, an “aggravated felony” is a crime with serious immigration consequences. Note that some misdemeanors are considered an “aggravated felony” for immigration purposes.

Fiancé(e) petition: The way in which U.S. citizens (but not LPRs) may bring a fiancé(e) into the country in order to marry the fiancé(e) within 90 days. After the marriage, the fiancé(e) can apply for adjustment to LPR status. The fiancé(e) may only adjust status to permanent resident if the marriage to the person who filed the fiancé(e) petition was bona fide.

Good moral character (GMC): For many immigration benefits it is necessary to show that a person has “good moral character” over a certain period of time up through the processing of the application. Generally, to prove GMC, people must show that they do not fall within certain categories of bad behavior. For purposes of naturalization, an applicant must show GMC for the five years prior to filing the application (or three years if applying based on marriage to a U.S. citizen) all the way through the oath of allegiance to the United States. GMC includes payment of child support, payment of taxes, and (for certain males) registration with the U.S. Selective Service System.

Green card: Refers to the Alien Registration Card or Permanent Resident Card. This card is evidence of lawful permanent residence. Older cards may or may not be green and may not list an expiration date. Since 2010, USCIS issues permanent resident cards that are green. The card is issued for a validity period of 10 years as opposed to conditional resident cards which are issued for a validity period of only two years. The “A” number or “USCIS” number appears on the green card.

I-94 Form (Arrival-Departure Record): The white or green paper card issued by U.S. Department of Homeland Security (DHS) to non-immigrants and parolees. Under DHS, an I-94 may be issued by either USCIS or U.S. Customs and Border Protection (CBP). It includes information such as the nonimmigrant’s status at the time of admission, and the length of time for which the foreign national is admitted. DHS sometimes issues a Form I-94 for other purposes. As of April 30, 2013, CBP started automating the I-94 online. For certain foreign nationals arriving at air and sea ports of entry, CBP will put a stamp in their passports and the person can access an electronic copy of the I-94 on the CBP website at www.cbp.gov/I94. These people will no longer get a hard-copy (paper) I-94. People arriving at land border ports of entry will continue to receive a hard copy I-94.

Immediate relative: The spouse of a U.S. Citizen, unmarried children under 21 of a U.S. citizen, the parents of a U.S. citizen who are over the age of 21, or, under certain circumstances, the widow(er) of a U.S. citizen.

Immigrant visa: A visa that permits a foreign national to travel to a port of entry in the United States and apply for admission as a lawful permanent resident. This visa is different from a “nonimmigrant visa,” which is issued to a foreign national coming to the United States temporarily. (See “nonimmigrant visa” below).
**Immigration and Nationality Act (INA) of 1952:** The formal name of the immigration law (statute) that, among other things, governs the immigration of foreign nationals to the United States, the naturalization of foreign nationals, and the removal of foreign nationals from the United States. The INA is also known as the McCarran-Walter Act after the name of its sponsors in Congress. This law has been amended numerous times since its enactment in 1952.

**Inadmissibility, grounds of:** A list of the reasons a noncitizen can be refused admission to the United States. Refusal can occur at a port of entry or when adjusting status. The grounds of inadmissibility can be found at INA §212. Some of the grounds are for crimes, public charge, fraud or misrepresentation, lack of appropriate documents, and health-related reasons.

**Legalization:** Congress has the ability to pass laws for undocumented individuals to gain legal status. The last legalization program was part of the Immigration Reform and Control Act (IRCA) of 1986 and is generally referred to as “Amnesty.”

**Lawful Permanent Resident (LPR):** A noncitizen who has been granted the right to live and work permanently in the United States. An LPR is not prevented from being deported or found inadmissible if returning from travel abroad if they violate immigration law. An LPR is also called a permanent resident, resident alien, or green card holder.

**Marriage fraud interview:** A second, more in-depth interview sometimes conducted by USCIS when one spouse is adjusting status, to determine if the marriage is real (bona fide) and not solely to obtain an immigration benefit. In New York, this is called the “Stokes interview”.

**Nonimmigrant visa:** Multiple types of visas fall under this category, such as tourist, student, temporary worker, etc. To get a non-immigrant visa, the applicant must usually show the intent to return home and not reside permanently in the United States. These visas are issued for a limited time and for a limited purpose.

**Notice to Appear (NTA):** The formal legal document that charges a person with being a removable alien. In this notice, DHS must state the conduct that violates the law, the legal authority under which DHS is conducting the proceedings, and the provision of the law that the person violated. Generally, DHS starts removal (deportation) proceedings against a foreign national by filing the NTA with the immigration court.

**Out-of-status:** A term that defines a noncitizen who entered the United States legally but has lost lawful status. This may be because the person violated the terms of the visa or remained beyond the period of authorized stay. Individuals who are out of status are usually unlawfully present.

**Parole:** For immigration purposes, this is when DHS physically allows a person to come into the United States without having legally been “admitted.” DHS defers the inspection interview to a later time at a DHS office. This is sometimes called “deferred inspection.” Parolees do not have the same rights as people who have been admitted. This is different than parole in the criminal law context which refers to the conditional release of a convicted criminal after completing part of a prison sentence and demonstrating good conduct.

**Petitioner:** This is the person or employer who is requesting that a relative, employee, or prospective employee, be granted lawful permanent resident status in the United States.
Priority date: Because there are more petitions filed than immigrant visas available every year, the “priority date” system determines the order of available immigrant visas in the employment and family preference categories. For relative petitions, the priority date is the date the I-130 petition was filed. It is not the date the petition is approved. When an immigrant visa (or green card) is available, the priority date is “current” and any beneficiary with an approved petition filed before that date may apply for an immigrant visa.

Prosecutorial Discretion: Refers to DHS’s authority to prioritize the enforcement of the immigration law against certain categories of people (e.g., violent criminals and terrorists, etc.) over other categories of people (e.g., certain undocumented youth or parents of U.S. citizens and LPRs).

Provisional Waiver: This is also known as the Stateside Waiver. As of March 4, 2013, USCIS began accepting applications from certain immediate relatives of U.S. citizens requesting a provisional waiver of unlawful presence. This waiver does not waive all grounds of inadmissibility (for example crimes, fraud, etc.) Instead, it waives ONLY the ground of inadmissibility for unlawful presence. This process allows a family member to apply for the waiver and wait for a decision inside the United States before leaving to apply for their immigrant visa at a U.S. consulate abroad. The family member must prove extreme hardship to his/her U.S. citizen spouse and/or parent (NOT his/her U.S. citizen child) in order for the provisional waiver to be granted.

Public charge: A person who has become or is likely to become primarily dependent on the government for financial assistance or long term care. The public charge ground of inadmissibility is a standard applied to most individuals seeking admission to the United States or seeking to adjust status to that of a permanent resident. To determine whether a foreign national is likely to become a public charge a number of factors are considered including age, health, family status, assets, resources, financial status, education and skills. In order to overcome the public charge ground of inadmissibility an applicant must show that the petitioner or another person willing to be a joint sponsor has income or resources of at least 125% of the Federal Poverty Guideline.

Re-entry Permit: USCIS recommends that green card holders who can predict they will be outside the U.S. for a year or more apply for a Re-entry Permit at least 60 days before they leave the U.S. A re-entry permit establishes that a lawful permanent resident did not intend to abandon U.S. residency. This document allows the permanent resident to apply for admission to the U.S. after traveling abroad for up to two years without having to obtain a returning resident visa. A re-entry permit cannot be applied for while outside the U.S.

Refugee: A person who is outside the United States and cannot return to his or her country because of a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion. The requirements are similar to those for asylum. However, asylees are already in the United States when they are given this classification, while refugees apply from another country. [See also the definition of “Refugee”]

Refugee travel document: A document which allows an asylee or refugee to return to the United States after travel abroad.

Retrogression: The visa/green card application process for those in the preference categories may move forward smoothly, stall, jump forward, or even reverse course. Sometimes, so many people apply after a certain Priority Date is published that the State Department gets overwhelmed. The State Department needs to process the applications already submitted so they may move the priority date in certain visa categories backward until they catch up with processing applications.
**TPS (Temporary Protected Status):** A temporary status for immigrants from countries designated unsafe to return to because of ongoing armed conflict, an environmental disaster, or other extraordinary and temporary condition. At the time of this publication, countries designated for TPS are: El Salvador, Haiti, Honduras, Nicaragua, Somalia, Sudan, South Sudan, Syria, Guinea, Liberia, and Sierra Leone.

**UPL (Unauthorized Practice of Law):** By law, only authorized individuals may give legal advice or represent people before the immigration courts or DHS. Attorneys who are licensed and in good standing to practice law in at least one state of the United States, or non-attorney representatives who are Board of Immigration Appeals (BIA) accredited. Legal advice includes advising people on how to answer questions on their immigration forms or telling people what immigration options they may – or may not – have regarding their immigration status. Individuals who are not authorized to practice law often refer to themselves as immigration consultants or "notarios." They may file false or inaccurate applications with USCIS on an immigrant's behalf which may have severe consequences – the immigrant may end up in removal (deportation) proceedings. Engaging in the unauthorized practice of law is a crime in New York State.

**Unlawful Presence:** A person who remains in the United States beyond their authorized period of stay or any person who is present in the United States without being admitted or paroled is unlawfully present. If you are unlawfully present in the U.S. for more than 180 days but less than one year and you depart the U.S. before removal (deportation) proceedings begin, you may trigger the 3-year bar to admission. If you are unlawfully present in the U.S. for one year or more and you depart the U.S. you may trigger the 10-year bar to admission. [See 3 and 10 year bars to re-entry]

**Visa (immigrant) petition:** Step one of the green card application process by which a U.S. citizen, LPR (green card holder), or employer applies for their relative or an employee to immigrate to the United States.

**Voluntary departure (VD):** Permission obtained from the DHS for a person to leave the United States instead of being placed in removal (deportation) proceedings. An immigration judge in removal proceedings can also issue an order of voluntary departure (VD) either at the beginning or end of removal proceedings. Whether DHS grants VD or the immigration judge issues an order of VD, this avoids receiving a removal order which has negative future immigration consequences. Voluntary departure requires willingness and ability to leave within the time period designated by the immigration judge, sufficient money to pay for transportation, and good moral character. This is the most common alternative to removal. If the non-citizen does not depart the United States within the VD time period granted by the immigration judge, then the VD automatically converts to a removal order, they are subject to a fine, and they are barred for ten years from eligibility for cancellation of removal, adjustment of status, change of status, and registry.
CUNY IMMIGRATION CENTERS*

PLEASE CALL FOR AN APPOINTMENT

Bronx:
Hostos Community College Immigration Center
427 Walton Ave., T-501
Bronx, NY 10451
Tel: 718-518-4395

Brooklyn:
Medgar Evers College Immigration Center
1150 Carroll St., Room 226
Brooklyn, NY 11225
Tel: 718-270-6292

Manhattan:
City College Immigration Center
138th St. and Convent Ave.
North Academic Center, Room 1-206
New York, NY 10031
Tel: 212-650-6620

CUNY Xpress Immigration Center
560 W. 181st St.
New York, NY 10033
Tel: 212-568-4692

Staten Island:
College of Staten Island, El Centro, and
Project Hospitality Immigration Center at
The Help Center**
514 Bay St.
Staten Island, NY 10301
Tel: 718-273-6737

Queens:
Flushing Immigration Center
39-07 Prince St., Suite 2B
Flushing, NY 11354
Tel: 718-640-9223

York College Immigration Center
94-20 Guy R. Brewer Blvd.
Welcome Center Atrium
Jamaica, NY 11451
Tel: 718-262-2983

Our Services
We provide assistance with:
• Naturalization
• Family based petitions
• Adjustment of status
• Consular processing
• Certificates of citizenship
• Replacement of lost/damaged USCIS documents
• Diversity Visa lottery entries
• Fee Waiver
• Temporary Protected Status (TPS)
• Deferred Action for Childhood Arrivals (DACA)

We also offer:
• Referrals and consultations on other immigration-related issues
• Free pictures for applications that require them

For a list of our New York City Council Member Immigration Center locations visit:
www.cuny.edu/citizenshipnow

To register for our next Application Assistance Event, please call: 646-664-9400

* All CUNY Immigration Center services are free to all members of the community - students and non-students!
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