

**Instructions for Supplement A to Form I-485,
Adjustment of Status Under Section 245(i)****Instructions**

NOTE: Use this form only if you are applying to U.S. Citizenship and Immigration Services (USCIS) to adjust status to that of a lawful permanent resident under section 245(i) of the Immigration and Nationality Act.

What Is the Purpose of This Form?

Section 245 of the Immigration and Nationality Act (the Act) allows the Attorney General in his or her discretion to adjust the status of an alien to that of a lawful permanent resident (LPR), in lieu of consular visa processing, while the alien remains in the United States. In order to be eligible, the alien must have been inspected and admitted or paroled, be eligible for an immigrant visa and admissible for permanent residence, have an immigrant visa immediately available and, with some exceptions, have maintained lawful nonimmigrant status. The alien must also not have engaged in unauthorized employment and must not be ineligible to adjust status under section 245(c) of the Act. **If you meet all of these requirements, you do not have to submit this form when applying for adjustment of status to that of LPR.**

Section 245(i) of the Act allows certain aliens to file for adjustment of status upon payment of a penalty fee of **\$1,000**, even though some of the conditions required by section 245(a) and (c) of the Act are not met. **Aliens in the United States who have an immigrant visa immediately available, but who entered the United States without inspection, remained in the United States past the period of admission, worked unlawfully, or are otherwise ineligible for adjustment of status under section 245(c) of the Act must submit this form along with Form I-485, Application to Register Permanent Residence or Adjust Status.**

NOTE: If you are applying to adjust as the spouse or unmarried minor child of a U.S. citizen or the parent of a U.S. citizen child at least 21 years of age, and if you were inspected and lawfully admitted to the United States other than in C-1 or S nonimmigrant status, you do not need to file this form.

Who May Use Supplement A to Adjust Status to That of LPR Under Section 245(i)?

1. You may apply for adjustment of status to that of LPR under section 245(i) if you:
 - A. Are physically present in the United States when the application is submitted; and
 - B. Have an immigrant visa number immediately available; and
 - C. Are admissible to the United States for permanent residence; and
 - D. Are the beneficiary of an approvable-when-filed visa petition, or an application for labor certification filed on or before April 30, 2001; and
 - E. Pay a **\$1,000** penalty fee (unless exempted).
2. In addition, you must fall within one of the categories noted below:
 - A. Alien crewmen;
 - B. Aliens who work without authorization;
 - C. Aliens in unlawful immigrant status;
 - D. Aliens who fail to continuously maintain a lawful status since entry into the United States;
 - E. Aliens who were admitted in transit without visa;

- F. Aliens admitted as nonimmigrant visitors under section 212(l) of the Act or under the Visa Waiver Program;
- G. Aliens admitted as a nonimmigrant described in section 101(a)(15)(S) of the Act; or
- H. Aliens seeking employment-based adjustment of status who are not in lawful nonimmigrant status.

What Documentation Must You Include If You Are Submitting This Form With Form I-485?

You do not need to submit documentation in addition to the documentation required by the instructions on Form I-485 unless you are the beneficiary of a visa petition or application for labor certification properly filed on your behalf after January 14, 1998, and on or before April 30, 2001. **Aliens using section 245(i) because they are beneficiaries of a visa petition or application for labor certification filed after January 14, 1998, and on or before April 30, 2001, should submit documentation along with this form that demonstrates physical presence in the United States on December 21, 2000.**

What Documentation Demonstrates Your Physical Presence on December 21, 2000?

Documentation of your physical presence in the United States on December 21, 2000, can consist of Federal, State, or local government-issued documents or other documents establishing your physical presence on that date. If one document does not establish your physical presence, you should submit documentation establishing your physical presence in the United States prior to and after December 21, 2000. In some cases, a single document may suffice to establish the applicant's physical presence on December 21, 2000. In most cases, however, you may need to submit several documents because you may not possess documentation that contains the exact date of December 21, 2000. In such instances, you should submit sufficient documentation establishing the applicant's physical presence in the United States prior to and after December 21, 2000. If you submit affidavits, they should be accompanied by supporting documentation. USCIS will evaluate all documentation on a case-by-case basis.

Who Does Not Need to Use Supplement A to Form I-485?

1. You do not have to submit Supplement A to Form I-485 if you:
 - A. Are already an LPR; **or**
 - B. Have continuously maintained lawful immigration status in the United States since November 5, 1986; **or**
 - C. Are applying to adjust status as the spouse or unmarried minor child of a U.S. citizen or the parent of a U.S. citizen child at least 21 years of age, and you were inspected and lawfully admitted to the United States other than in C-1 or S nonimmigrant status.
2. In addition, you do not have to submit Supplement A to Form I-485 if you are filing for an immigration benefit other than adjustment of status to that of LPR or if you are applying for adjustment of status to that of LPR because you:
 - A. Were granted asylum in the United States; **or**
 - B. Have continuously resided in the United States since January 1, 1972; **or**
 - C. Entered as a K-1 fiancé(e) of a U.S. citizen; **or**
 - D. Have an approved Form I-360, Petition for Amerasian, Widow(er), Battered or Abused Spouse or Child, or Special Immigrant, and are applying for adjustment as a special immigrant juvenile court dependent, or as a special immigrant who has served in the U.S. Armed Forces, or as a battered or abused spouse or child; **or**
 - E. Are a special immigrant retired international organization employee or family member; **or**
 - F. Are a special immigrant physician; **or**

- G. Are a public interest parolee, who was denied refugee status, and are from the former Soviet Union, Vietnam, Laos, or Cambodia (a "Lautenberg Parolee" under Public Law 101-167); **or**
- H. Are eligible under the Immigration Nursing Relief Act.

Where To File?

You must file this form at the same USCIS office or location where you must submit the related Form I-485.

What Are the Filing Fees for Form I-485 and Supplement A to Form I-485?

The fee for this form when filed along with Form I-485 (and the applicable fees and biometric services and fees) is:

1. A **\$1,000** penalty fee is required with the Supplement A Form.
2. If you filed Form I-485 separately, attach a copy of your filing receipt and pay only the additional sum of **\$1,000**.

There are two categories of applicants who do not need to pay the **\$1,000** fee associated with Supplement A to Form I-485:

- A. Applicants under the age of 17 years; **and**
- B. Applicants who are an unmarried son or daughter of a legalized alien and less than 21 years of age, or the spouse of a legalized alien, and have attached a copy of a USCIS receipt or approval notice for a properly filed Form I-817, Application for Family Unity Benefits.

You may submit one check or money order for both the application and biometric fees.

Use the following guidelines when you prepare your check or money order for the Form I-485 Supplement A and the biometric service fee:

1. The check or money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; and
2. Make the check or money order payable to **U.S. Department of Homeland Security**, unless:
 - A. If you live in Guam, make it payable to **Treasurer, Guam**.
 - B. If you live in the U.S. Virgin Islands, make it payable to **Commissioner of Finance of the Virgin Islands**.
 - C. If you live outside the United States, Guam, or the U.S. Virgin Islands, contact the nearest U.S. Embassy or consulate for instructions on the method of payment.

NOTE: Spell out U.S. Department of Homeland Security; do not use the initials "USDHS" or "DHS."

Notice to Those Making Payment by Check. If you send us a check, it will be converted into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours and will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times.

How to Check If the Fees Are Correct

The form and biometric fees on this form are current as of the edition date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:

1. Visit our Web site at www.uscis.gov, select "FORMS," and check the appropriate fee;
2. Review the Fee Schedule included in your form package, if you called us to request the form; or
3. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

NOTE: If your Form I-485 Supplement A requires payment of a biometric service fee for USCIS to take your fingerprints, photograph, or signature, you can use the same procedure to obtain the correct biometric fee.

Processing Information

Any Form I-485 Supplement A that is not signed or accompanied by the correct fee will be rejected with a notice that the Form I-485 Supplement A is deficient. You may correct the deficiency and resubmit the Form I-485 Supplement A. An application or petition is not considered properly filed until accepted by USCIS.

Initial processing. Once Form I-485 Supplement A has been accepted, it will be checked for completeness, including submission of the required initial evidence. If you do not completely fill out the form, or file it without required initial evidence, you will not establish a basis for eligibility and we may deny your Form I-485 Supplement A.

Requests for more information or interview. We may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.

Decision. The decision on a Form I-485 Supplement A involves a determination of whether you have established eligibility for the requested benefit. You will be notified of the decision in writing.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-485 Supplement A, we will deny your Form I-485 Supplement A and may deny any other immigration benefit.

In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

Privacy Act Notice

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit for which you are filing. Our legal right to ask for this information can be found in the Immigration and Nationality Act, as amended. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your Form I-485 Supplement A.

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 13 minutes per response, including the time for reviewing instructions, and completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Products Division, Office of the Executive Secretariat, 20 Massachusetts Ave., N.W., Washington, DC 20529-2020. OMB No. 1615-0023. This form expires January 31, 2013. **Do not mail your application to this address.**

Checklist.

- I signed the form at **Part D**.
- I included the appropriate fees (if any).
- If I checked **box b** or **d** in **Question 1, Part B**, I included evidence of my physical presence in the United States on December 21, 2000.