

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

I-698, Application to Adjust Status From Temporary to Permanent Resident (Under Section 245A of the INA)

Instructions

I. What Is the Purpose of This Form?

This form should be used by a person who has been granted temporary residence under section 245A of the Immigration and Nationality Act (INA) to apply to the U.S. Citizenship and Immigration Services (USCIS) to adjust to permanent resident status. The application is made pursuant to section 245A, of the INA, as amended by the Immigration Reform and Control Act of 1986 and section 902 of the U.S. Department of State Authorization Bill of 1987.

II. Preparation of Application.

A separate application for each applicant must be typed or printed legibly in black ink. The application must be completed in full. If extra space is needed to answer any item, attach a continuation sheet(s) and indicate the item number.

If you send this application via the U. S. Postal Service, **mail it to the following address:**

**U.S. Citizenship and Immigration Services
P.O. Box 805876
Chicago, IL 60680-4120**

If you send this application through any other means, **mail it to the following address:**

**U.S. Citizenship and Immigration Services
427 S. LaSalle, 3rd Floor
Chicago, IL 60680-4120**

If you do not sign your application or if you fail to submit the appropriate fee according to the instructions below, we will return your form. If your application is returned, no further action will be taken. You would need to resubmit your application properly to renew processing.

III. What Are the Eligibility Requirements.

In order to be found eligible for permanent residence under section 245A you must:

- (1) Apply for such adjustment during the one year period beginning with the 19th month that begins after the date you were granted such temporary resident status.
- (2) Reside continuously in the United States that is, since becoming a temporary resident alien no single absence from the United States exceeded 30 days, or the total of all absences has not exceeded 90 days.

If you are absent from the United States for more than 30 days, or for more than 90 days in the aggregate, during the period for which continuous residence is required for adjustment to permanent residence, you will break the continuity of your residence unless you can establish to the satisfaction of USCIS that you did not, in fact abandon your residence in the United States during that period.

- (3) Establish admissibility under section 212(a) of the INA. In determining the admissibility of an applicant, the provisions of sections 212(a)(6)(A) and 212(a)(7) of the INA shall not apply to applicants for adjustment of status as a lawful temporary or permanent resident under section 245A of the INA.

The following grounds of inadmissibility **may not** be waived by the Secretary of Homeland Security:

- (i) Section 212(a)(2)(A)(i)(I) (crimes involving moral turpitude);
- (ii) Section 212(a)(2)(A)(i)(II) (crimes involving controlled substances, except for so much of such paragraph as relates to a single offense of simple possession of 30 grams or less of marijuana);
- (iii) Section 2312(a)(2)(B) (multiple criminal convictions);
- (iv) Section 212(a)(2)(C) (controlled substance traffickers);
- (v) Section 212(a)(3) (security and related grounds); and
- (vi) Section 212(a)(4) (public charge). **Except** this prohibition does not apply to an alien who is or was an aged blind or disabled individual (as defined in section 1614(a)(1) of the Social Security Act. An alien is not ineligible for adjustment of status due to being inadmissible under section 212(a)(4) if the alien demonstrates a history of employment in the United States evidencing self-support without receipt of public cash assistance. Special adjudication standards regarding public charge contained in any settlement agreements apply.

All other grounds of inadmissibility **may** be waived by the Secretary of Homeland Security. In order to seek such a waiver, you must submit a Form I-690, Application for Waiver of Grounds of Excludability.

- (4) Have not been convicted of any felony or three or more misdemeanors committed in the United States;
- (5) Be able to demonstrate that you either:
 - (a) Meet the requirements of Section 312 of the INA, as amended (relating to a minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States, or
 - (b) Are satisfactorily pursuing a course of study recognized by the Secretary of Homeland Security to achieve such understanding of English and such knowledge and understanding of the history and government of the United States. You can obtain additional information about available courses by contacting your local USCIS district office.

IV. What Are the Documentary Requirements?

A. Medical Examination.

A medical examination (Form I-693) is required only for those applicants who were not given a serologic test for human immunodeficiency virus (HIV) infection as part of their medical examination when applying for temporary residence.

If you are 15 years of age or older and your medical examination for temporary residence did not include a serologic test for HIV, you should choose a doctor from a list of doctors or clinics in your area that have been approved by USCIS to perform medical examinations and make arrangements with the doctor or clinic to have a serologic test for HIV.

NOTE: If you must comply with this requirement, you do not have to undergo another complete medical examination. The medical examination form needs only to reflect the results of the serologic test.

B. Photographs.

Submit with the application a passport-style color photograph of yourself taken within 30 days of the date of the application. Two additional identical color photographs will be required at the time of the interview. Do not send the two additional photographs with your Form I-698 application.

The photos must have a white background, be glossy unretouched and unmounted. You must be shown in the photos in a full- frontal position. The dimension of the facial image should be about one inch from your chin to the top of your hair. Your name and Alien Registration Number (A#) file number should be written lightly in pencil on the back of the photographs.

C. Name Changes.

If your name has changed, you must submit a certified copy of the decree of the court or marriage certificate, as appropriate. A married woman may file her application under either her maiden or current married name.

D. Copies.

If these instructions tell you to submit a copy of a particular document, you should send a copy. If there are stamps, remarks notations, etc., on the back of the original document(s), also provide a copy of the back of the document(s).

If you choose to send an original document, you should also submit a copy so USCIS can return the original to you. If you do not provide a copy along with the original, USCIS will attach the original document to your petition and the original document may not be returned to you.

There are times when USCIS must request an original copy of a document. In that case, the original is usually returned after it has been reviewed.

If you are interviewed, however, the original documents must be presented whenever possible at that time except for the following: official government records; employment or employment related records maintained by employers, unions or collective bargaining organizations; medical records; school records maintained by a school or school board; or other records maintained by a party other than the applicant.

Copies of these records must be endorsed as true and correct and must bear the signature and title of persons authorized to act on their behalf. All certified copies of documents become the property of the USCIS. At the discretion of a USCIS district director, original documents, even if accompanied by certified copies, may be temporarily retained.

NOTE: It is recommended that you retain copies of your application and supporting documents for your records.

E. Documents in a Foreign Language.

Any document in a foreign language must be accompanied by a full translation into English. The translator must certify that he or she is competent to translate the document into English and that the translation is accurate.

F. Additional Sheets.

If you do not have enough space to answer any particular question on this form, attach additional sheets. On each sheet indicate your name, date of birth, A-number (if available) and Social Security number (if available), and note, also the number of the question to which you are replying.

V. Application Process.

A. Who Must File an Application?

A separate application must be filed by each applicant. Applications must be typed or clearly printed in black ink and completed in full. If extra space is needed to answer an item attach a continuation sheet and indicate your name, Alien Registration Number (A #) and the item number.

B. Interview.

Interviews will take place at selected USCIS offices throughout the United States. It is important that you bring your "appointment for interview notice" and any other requested information to the interview.

You must also bring your Form I-797, Temporary Residence Approval Notice, (if available) to the interview. If your application is approved, your approval notice will be modified to reflect temporary evidence of permanent residence until such time as you receive your Form I-551, Permanent Resident Card through the mail.

VI. Confidentiality.

The information provided in this application is confidential and may only be used as stipulated in the INA section 245A(c)(5). The information is subject to verification by USCIS.

VII. Penalties for False Statements.

Whoever files an application for adjustment of status under Section 245A of the Act and who knowingly and willfully falsifies misrepresents, conceals or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry will be subject to criminal prosecution and/or removal.

VIII. Relief From Job Discrimination.

Section 274B of the Immigration and Nationality Act prohibits discrimination in employment hiring and firing based on an individual's national origin or citizenship status.

For additional information concerning immigration related unfair employment, contact the U.S. Department of Justice Office of Special Counsel for Immigration Related Unfair Employment Practices by mail at P.O. Box 65490 Washington, D.C. 20035-7688 or by telephone at **1-800-255-7688** or **202-653-8121**; or **202-653-5710** for the hearing impaired.

IX. Fee.

Follow these instructions when paying the fee for Form I-698:

- If the application is filed within 31 months from the date of approval of temporary residence, the base fee is **\$140.00**, or a **\$420.00** family cap fee for a husband, wife and children under 18 years living in the same household.
- If the application is filed after 31 months from the date of approval of temporary residence, the base fee is **\$180.00**, or a **\$540.00** family cap fee.

The adjustment date is the date of filing the application for permanent residence or the applicants eligibility date, whichever is later.

Each applicant must also pay a **\$70.00** biometrics services fee for fingerprinting, unless under 14 or older than 79 years. If necessary USCIS may also take an applicants photograph and signature as part of the biometric services.

You will receive a fee receipt after your application is received and processed by USCIS.

Fees are not refundable regardless of the action taken on the application. All fees must be in the form of a U.S. postal money order, money order or bank check. Cash or personal checks of any type will not be accepted.

All money orders and bank checks must be made payable to the **Department of Homeland Security**. Do not use the initials DHS or USDHS. You will receive a fee receipt after your application is received and processed by USCIS. Any stop payment action taken by you or your representative will cause the USCIS to terminate action on the application.

How to Check If the Fees Are Correct.

The 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:

- Visit our website at www.uscis.gov and scroll down to "Forms and E-Filing" to check the appropriate fee, or
- Review the Fee Schedule included in your form package, if you called us to request the form, or
- Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

X. Our Authority for Collecting Information.

The authority to prescribe this form is contained in the Immigration Reform and Control Act of 1986. The information is necessary to determine whether a person is eligible for the immigration benefit sought. All questions must be answered. Failure to do so may result in the denial of your application.

XI. USCIS Forms and Information.

To order USCIS forms, call our toll-free forms line at **1-800-870-3676**. You can also get USCIS forms and information laws, regulations and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our internet website at www.uscis.gov.

XII. Use InfoPass for Appointments.

As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our internet-based system, InfoPass. To access the system, visit our website at www.uscis.gov. Use the InfoPass appointment scheduler and follow the screen prompts to set up your appointment. InfoPass generates an electronic appointment notice that appears on the screen. Print the notice and take it with you to your appointment. The notice gives the time and date of your appointment, along with the address of the USCIS office.

XIII. Reporting Burden.

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.

We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex.

Accordingly, the reporting burden for this collection of information is estimated to be one hour per response. This estimate includes the time required to learn about the form, complete the form, and assemble and mail the application.

If you have comments regarding the accuracy of this estimate or suggestions for making this form simpler, you can write to the U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., Washington, DC 20529.

Do not mail your completed application to this address.

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

Do not write in this block - For USCIS use only.

Action Block	Fee Stamp
	Remarks

START HERE - Please type or print in black ink. If you need more space, use a separate sheet(s) of paper.

1. Name

Family Name (In capital letters)	Given Name	Middle Name	Applicant's A#

2. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female	3. Name as it appears on Temporary Resident Card (Form I-688)	4. Telephone Numbers (Include area codes.)				
		<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-bottom: 1px solid black;">Home:</td> <td style="width: 50%; border-bottom: 1px solid black;">Work:</td> </tr> <tr> <td style="border: 1px solid black; height: 30px;"></td> <td style="border: 1px solid black; height: 30px;"></td> </tr> </table>	Home:	Work:		
Home:	Work:					

5. Reason for difference in name. (For example: marriage, divorce.)

6. Home Address in the United States.

In care of			
Number and Street		Apt. #	
City		State	
		Zip Code	

7. Mailing Address in the U.S. (If different from address in Number 6 above.)

In care of			
Number and Street		Apt. #	
City		State	
		Zip Code	

8. Place of Birth (City or Town)	County, Province or State	Country	Country of Citizenship/Nationality

9. Date of Birth (mm/dd/yyyy)	10. Your Mother's First Name	11. Your Father's First Name	12. Your U.S. Social Security #

13. Marital Status Married Never Married Separated Divorced Widowed

14. Absences from the United States since becoming a temporary resident alien. List most recent absence first. If you have a single absence in excess of 30 days or if the total of all your absences exceeds 90 days, explain and attach any relevant information.

Country	Purpose of Trip	From (mm/dd/yyyy)	To (mm/dd/yyyy)	Total Days Absent

15. When applying for temporary resident status, I did did not submit a medical examination, Form I-693, with my application that included a serologic (blood) test for human immunodeficiency virus(HIV) infection. (If you did not, submit with this Form I-698 application a medical examination Form I-693 that includes a serologic test for HIV.)

16. Concerning the requirement of minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States: (Check appropriate block under **Section A** or **B**).

A. I will satisfy these requirements by:

- Examination at the time of interview for permanent residence.
- Satisfactorily pursuing a course of study recognized by the Secretary of Homeland Security.

B. I have satisfied these requirements by:

- Having satisfactorily pursued a course of study recognized by the Secretary of Homeland Security. (Please attach appropriate documentation.)
- Exemption, in that I am 65 years of age or older, under the age of 16, or I am physically unable to comply. (If you are physically unable to comply, explain and attach relevant documentation.)

17. Have you ever assisted in the persecution of any person or persons on account of race, religion, political opinion, nationality or membership in a particular social group? Yes No

18. Have you ever been treated for a mental disorder, drug addiction or alcoholism? Yes No

19. Have you **ever** committed a crime or offense for which you were **not** arrested? Yes No

Have you **ever** been arrested, cited or detained by any law enforcement officer (including USCIS or former INS and military officers) for any reason? Yes No

Have you **ever** been charged with committing any crime or offense? Yes No

Have you **ever** been convicted of a crime or offense? Yes No

Have you **ever** been in jail or prison? Yes No

Have you **ever** been placed in an alternative sentencing or a rehabilitative program (for example: diversion, deferred prosecution, withheld adjudication, deferred adjudication)? Yes No

Have you **ever** received a suspended sentence, been placed on probation or been paroled? Yes No

20. Have you, or a dependent member of your immediate family, ever received public assistance from any source, including, but not limited to, the United States Government, any state, county, city or municipality? If yes, provide the names(s) of the recipients(s) and U.S. Social Security number(s). Yes No

21. Have you ever:

- a. Within the past 10 years been a prostitute or procured anyone for prostitution, or intend to engage in such activities in the future? Yes No
- b. Engaged in any unlawful commercialized vice, including, but not limited to, illegal gambling? Yes No
- c. Knowingly encouraged, induced, assisted, abetted or aided any alien to try to enter the United States illegally? Yes No
- d. Illicitly trafficked in any controlled substance, or knowingly assisted, abetted or colluded in the illicit trafficking of any controlled substance? Yes No

Have you ever engaged in, conspired to engage in, or do you intend to engage in, or have you ever solicited membership or funds for, or have you through any means ever assisted or provided any type of material support to any person or organization that has ever engaged or conspired to engage in sabotage, kidnapping, political assassination, hijacking or any other form of terrorist activity? Yes No

Do you intend to engage in the United States in:

- a. Espionage? Yes No
- b. Any activity a purpose of which is opposition to, or the control or overthrow of, the government of the United States, by force, violence or other unlawful means? Yes No
- c. Any activity to violate or evade any law prohibiting the export from the United States of goods, technology or sensitive information? Yes No

Have you ever been a member of, or in any way affiliated with, the Communist Party or any other totalitarian party? Yes No

Did you, during the period from March 23, 1933 to May 8, 1945, in association with either the Nazi Government of Germany or any organization or government associated or allied with the Nazi Government of Germany, ever order, incite, assist or otherwise participate in the persecution of any person because of race, religion, national origin or political opinion? Yes No

Have you ever engaged in genocide, or otherwise ordered, incited, assisted or otherwise participated in the killing of any person because of race, religion, nationality, ethnic origin or political opinion? Yes No

Have you ever been deported from the United States, or removed from the United States at government expense, excluded within the past year, or are you now, or have you ever been in exclusion, deportation, removal or rescission proceedings? Yes No

Are you under a final order of civil penalty for violating section 274C of the Immigration and Nationality Act for use of fraudulent documents or have you, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the United States or any immigration benefit? Yes No

Have you ever left the United States to avoid being drafted into the United States Armed Forces? Yes No

Have you ever been a J nonimmigrant exchange visitor who was subject to the two-year foreign residence requirement and have not yet complied with that requirement or obtained a waiver? Yes No

Are you now withholding custody of a United States citizen child outside the United States from a person granted custody of the child? Yes No

Do you plan to practice polygamy in the United States? Yes No

22. If your native alphabet is in other than Roman letters, write your name in your native alphabet.

23. Language of your native alphabet.

24. Signature and Certification of applicant.

I CERTIFY, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. I hereby consent and authorize the U.S. Citizenship and Immigration Services to verify the information provided and to conduct police, welfare and other record checks pertinent to this application.

Signature	<input type="text"/>	Date	<input type="text"/>
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25. Signature of person preparing form, if other than applicant.

I declare under penalty of perjury that I prepared this application at the request of the above person.

The answers provided are based on information of which I have personal knowledge and/or were provided to me by the above named person in response to the exact questions contained on this form.

Signature	<input type="text"/>	Date	<input type="text"/>
Print Name	<input type="text"/>		
Address	<input type="text"/>	Telephone number with area code	
	<input type="text"/>	()	<input type="text"/>

For U.S. Citizenship and Immigration Services Use Only

26. Final Action: Temporary Residence Approved Denied

27. Final Action: Waiver of Inadmissibility under Section 212(a) _____ Approved Denied

28. Class of Admission	29. Place of Adjustment	30. Date of Adjustment
31. Final Actin By (Print Name and Title)	32. ID Number	33. Date