

Immigration: Refugee Adjustment of Status USCIS

Presentation by Jenny Skwira, District Adjudications Officer at US Citizenship and Immigration Services

Filing

- In general, a refugee who has been physically present as a refugee for an aggregate of one year is required to apply for permanent residence (green card).
- In order to apply for your green card you must file Form I-485 and supporting documents. There is no fee for Form I-485 for refugees; however, there is a fee for biometric (fingerprints) collection for applicants ages 14 to 79. Supporting documents that are required at time of filing are: biometrics fee (if required), G-325A (ages 14 or older), 2 passport style photos, Form I-693 (proof of vaccinations), Form I-643 (Health and Human Services Statistical Data), evidence of refugee status (clear copy of I-94), evidence of one years physical presence in the United States (school records, lease etc- keep to minimum), birth certificate or birth record (if available), proof of any absences from the United States and Form I-602 (if required).
- You can obtain the proper forms and fee amounts at www.uscis.gov
- You must submit your completed Form I-485, with supporting documents to the Nebraska Service Center.
- It is imperative that if you move, you notify the Service of your new address by using Form AR-11.

Adjudication Process

- Applications for adjustment of status (green card) for refugees are generally processed at the Nebraska Service Center. All correspondence regarding the pending application should be made with the Nebraska Service center, unless otherwise instructed.
- In general refugee applicants for green cards are not required to appear for an interview.
- In certain circumstances, an applicant will not meet pre-determined interview waiver criteria, as set forth by the Service center. In these instances the application will be transferred to the District office having jurisdiction over the aliens place of residence. The applicant will be sent notification that their application is being transferred.
- An example of a reason that a green card application is transferred to our office that we commonly see is when an applicants fingerprints are rejected two times. An applicant for a green card is fingerprinted as part of the normal processing of their application. In some instances an applicants fingerprints will be rejected (which means they could not be processed or read). The applicant will receive notification that their fingerprints have been “rejected” and they will receive a notice of a second appointment for fingerprinting. If their fingerprints are rejected a second time their application will be transferred to the District office. In order to remedy this, at the interview, the applicant will be issued a request for evidence, requesting that they obtain “letters of police clearance” from all of the cities that they have lived in the United States for six months or more. It is imperative that the applicant follows these instructions to continue processing their application.

Interview Process

- When an application is transferred to the District office the applicant will receive notification of a date and time for an interview.
- Some issues that our office commonly sees at refugee green card interviews are: criminal history, identity issues and variation in children claimed to the Service. It is crucial that at this stage in a refugee's immigration process that he or she tells the officer the truth regarding these issues and any other issues. At this point in the process the refugee may be eligible to file a waiver if a ground of inadmissibility is found. If the refugee does not disclose information and it is brought into light later on, i.e. at time of application for naturalization, there may be graver consequences. Again, we would like to stress that adjustment of status (green card) is the time to be honest and truthful regarding criminal history, identity, children and anything else determined to be relevant.

Waivers

- Refugees who are found to be inadmissible to the United States as a permanent resident may be eligible to file an application for a waiver, Form I-602. There is no fee associated with Form I-602.
- If a refugee is inadmissible pursuant to a health related ground they must file Form I-602.
- If a refugee is in removal proceedings pursuant to a criminal ground of inadmissibility they need to file a I-602 waiver.
- Refugees may also be required to file Form I-602 for other grounds of inadmissibility; these will generally be discussed at the time of interview or in a request for evidence.

Medical Examination

- Refugees unlike other applicants for adjustment of status (green card applicants) are generally not required to submit a medical. Refugees are required to submit Form I-693, Proof of Immunizations, completed by a designated civil surgeon. The civil surgeons have these forms. A list of civil surgeons for our area can be found at www.uscis.gov (Services field office addressed and information/list of US field offices/St. Paul, Mn/Contacting us/Designated Civil Surgeons)
- In certain circumstances refugees will be required to submit a complete medical examination, Form I-693. Some of these circumstances are: if the refugee has a Class A or Class B medical condition or if the refugee obtained derivative refugee status while in the United States through Form I-730. Generally these applicants will be informed that they need to submit the complete medical.

Approval of Green Card

- Once a refugee is granted adjustment of status he or she will be notified on the next steps that they need to follow in order to get their green card. This can vary depending on if their status is approved by the Service center or District office.
- The refugee's date of admission as a permanent resident will be "rolled back" to the date of their entry into the United States as a refugee.
- The next step in the immigration process would be for the refugee to apply for United States citizenship, if the refugee so chooses. In general, in order to apply for United States citizenship a person must have been admitted into the United States a lawful permanent resident (green card holder) for a period of five years or more. For a refugee this would be calculated from their "rolled back" date of admission for permanent residence.