

THE ADJUSTMENT OF STATUS PROCESS FOR EMPLOYMENT BASED APPLICANTS

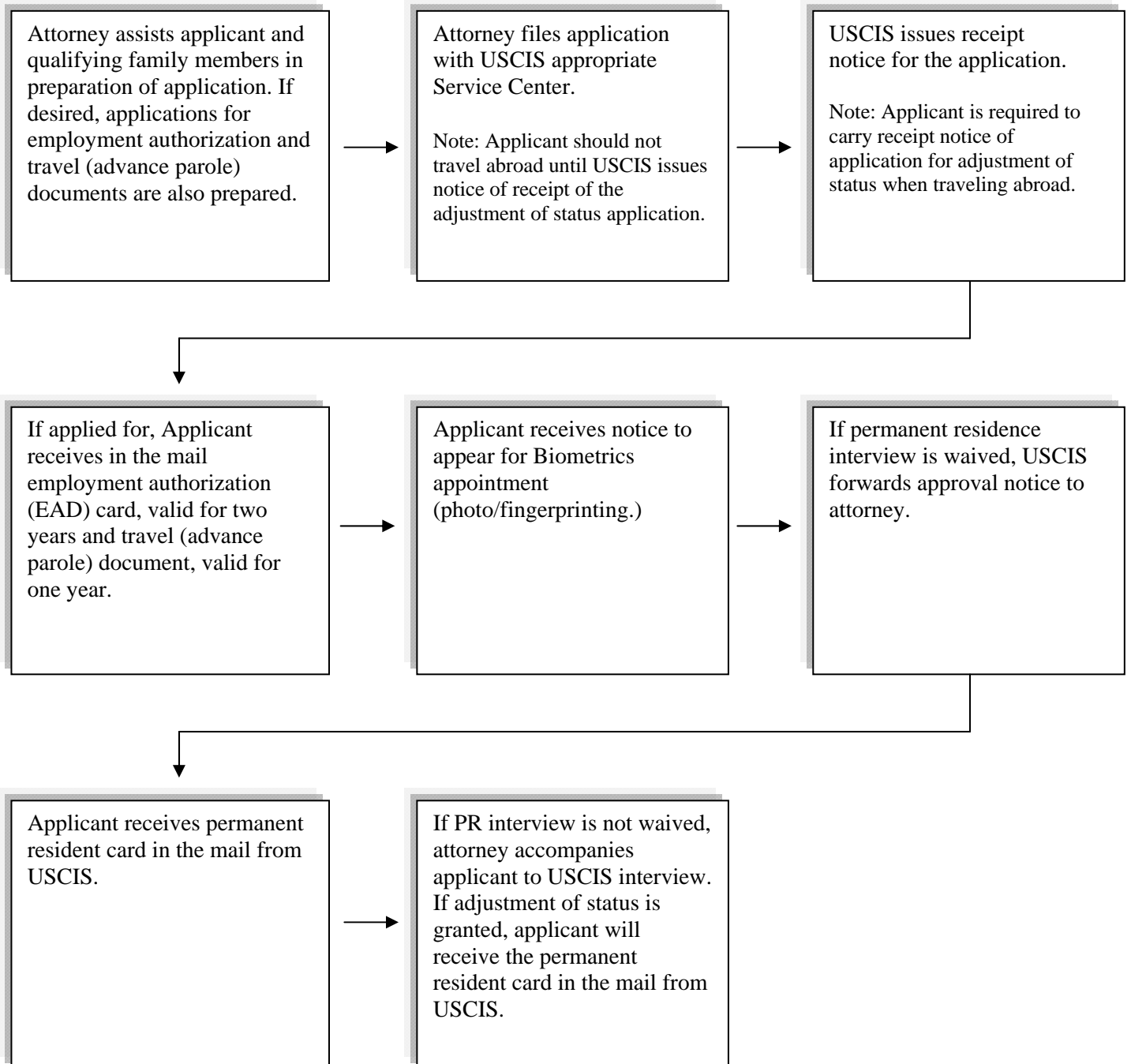
All employment-based adjustment of status (“I-485”) application must be filed with the USCIS (United States Citizenship and Immigration Services) Service Center having jurisdiction over the applicant’s place of domicile in the United States. Current processing times for the Service Centers can range from a few months to two or more years.

The Service Centers will normally grant work authorization to applicant and their family members whose I-485 applications are pending for adjudication. If the applicant’s nonimmigrant petition is about to expire and the Employment Authorization Document (“EAD”) has not yet been issued, the USCIS will allow an extension of the H or L nonimmigrant status to be filed, if such an extension is available given the maximum time allowed in H/L status, despite the filing of an application for adjustment of status.

While an I-485 application is pending with the USCIS, the applicant’s ability to travel outside the U.S. might be limited. If the applicant must travel, he/she must be in possession of a valid advance parole issued by the Service Center, unless the applicant has a valid H or L visa stamp in the passport. When the I-485 application is approved, the applicant will receive his or her permanent resident (“green card”) in the mail.

EXCEPTION FOR H AND L NONIMMIGRANTS

Legacy INS regulations that became effective on July 1, 1999 permit applicants for adjustment of status who hold valid, multiple entry H/L visas to travel on those visas while the adjustment applications are pending without the need to apply for advance parole authorization, provided that they do not violate their status as H-1B or L-1 (or dependent) immigrants. This means that they must not have used advance parole authorization to travel, or must not have used an EAD to accept employment with an employer other than their H/L employer. The same applies to dependents on H-4 and L-2 status who use their EAD to work in the United States.



CHECKLIST FOR FILING EMPLOYMENT-BASED I-485 APPLICATIONS

1. Clear photocopy of Form 1-797, Receipt Notice or Approval Notice, issued to you and your family;
2. Eight (8) photographs, meeting USCIS specifications for **each** applicant. Please write the name and birth date at the back of each photo with a pencil or felt pen. Note that the USCIS photo specifications have changed to regular, front-view passport style photos. Please see attached photograph specifications memo for details;
3. Complete copy of current and expired passport pages, **including blank pages**;
4. Copies of all immigration-related documents such as: Form 1-94 (**white card**), Form I-20, DS-2019, and all previous nonimmigrant petition approval and extension notices, as relevant, verifying that the applicant/family has maintained status while in the United States;
5. ****Clear photocopy of the birth certificate or required birth record (please see attached instructions regarding birth documentation). A birth certificate that includes the applicant's full name, date and place of birth and the names of **both** parents is required for each applicant. (Note: keep original available upon request by an USCIS officer.);**
6. ****Clear photocopy of certified (or recorded) marriage certificate;**
7. ****Clear photocopy of proof of termination of all prior marriages, such as divorce decree/s or death certificate(s). Offer of employment letter from the employer, confirming the terms and conditions of the job offered. **This letter will be prepared by our Firm for your employer to sign**; and,**
8. Sealed Medical Report. Please see the following link to locate an approved USCIS doctor in your area:
https://egov.uscis.gov/crisgwi/go?action=offices.type&OfficeLocator.office_type=CIV

RULES OF BIRTH DOCUMENTS

Please refer to this link for the type of **acceptable** form of birth documents from your country
<http://travel.state.gov/visa/reciprocity/index.htm>

1. Each applicant *must* have birth documentation. A passport is not considered as acceptable birth evidence. An acceptable birth certificate must be issued by an appropriate government authority, i.e., one charged with the responsibility for keeping birth and death records for that municipality, and must include the following information:

- a. Name of child
- b. Date of birth
- c. Place of birth
- d. Full name of father
- e. Full name of mother

2. If an acceptable birth document is not available, the applicant *must* submit two sworn birth affidavits executed by appropriate relatives and a certificate of “Nonexistence of Birth Record” issued by an appropriate government authority, i.e., one charged with the responsibility for keeping birth and death records for that municipality, attesting that there is no record of the birth. An acceptable certificate of “Nonexistence of Birth Record” must include:

- a. Name of child
- b. Date of birth
- c. Place of birth
- d. Full name of father
- e. Full name of mother

3. If a birth certificate does not contain all the required information, the applicant must submit the incomplete birth certificate and one sworn birth affidavit executed by an appropriate relative.

4. Affidavits. An acceptable birth affidavit *must* be executed by one or both parents and must be sworn in the presence of a notary public. If one parent is deceased and two affidavits are required, the affidavit must be executed by the surviving parent and an older relative with direct knowledge of the birth of the child. If both parents are deceased, the affidavit must be executed by one or two older relatives with direct knowledge of the birth of the child. A birth affidavit must contain the following information:

- a. Name of child
- b. Full name of father
- c. Full name of mother

- d. Place of birth
- e. Date of birth

5. A person who has used a different name from the one shown on the birth document must produce a document explaining the use of such name. The following documents are commonly available as evidence:

- a. Baptismal certificate
- b. Marriage certificate or divorce decree
- c. School records showing early use of adopted name

If none of the foregoing documents are available, any other document, or combination of documents, that appear to resolve the difference in names will be considered. A personal sworn statement from the applicant is not acceptable, unless there is other evidence to substantiate it.*

* Specific instructions regarding Rules of Birth Documents for Nationals of India and Pakistan are available upon request.

IMPORTANT NOTICE TO ALL VISA APPLICANTS CONCERNING VACCINATION REQUIREMENTS

Recent changes to United States immigration law now require immigrant visa applicants to obtain certain vaccinations (listed below) prior to the issuance of an immigrant visa. Panel physicians who conduct medical examinations of immigrant visa applicants are now required to verify that immigrant visa applicants have met the new vaccination requirement, or that it is medically inappropriate for the visa applicant to receive one or more of the listed vaccinations.

- mumps,
- measles,
- rubella,
- polio,
- tetanus and diphtheria toxoids,
- pertussis,
- influenza type b (Hib) and,
- hepatitis B,
- varicella,
- pneumococcal,
- influenza.

In order to assist the panel physician, and to avoid delays in the processing of an immigrant visa, all immigrant visa applicants should have their vaccination records available for the panel physician's review at the time of the immigrant medical examination. Visa applicants should consult with their regular health care provider to obtain a copy of their immunization record, if one is available. If you do not have a vaccination record, the panel physician will work with you to determine which vaccinations you may need to meet the requirement. Certain waivers of the vaccination requirement are available upon the recommendation of the panel physician.

Only a physician can determine which of the listed vaccinations are medically appropriate for you, given your age, medical history and current medical condition.