



February 25, 2016

PA-2016-001

Policy Alert

SUBJECT: General Adjustment of Status Policies and Section 245(a) of the Immigration and Nationality Act

Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) addressing the general policies and procedures of adjustment of status as well as adjustment under section 245(a) of the Immigration and Nationality Act (INA).

Background

Foreign nationals who qualify for lawful permanent resident (LPR) status and who are living in the United States may file an application with USCIS to adjust their status to LPR status, or they may apply for an immigrant visa abroad. Congress created the adjustment of status provisions to enable a foreign national who is in the United States to become an LPR without having to travel abroad to obtain an immigrant visa.

Volume 7, Part A provides an overview of adjustment programs and general requirements. Volume 7, Part B addresses INA 245(a) adjustment and provides information on the applicable eligibility requirements, bars to adjustment, and exemptions. This guidance, contained in Volume 7 of the Policy Manual, replaces the Adjudicator's Field Manual (AFM) Chapters 20.1, 23.1, 23.2, 23.3, 23.5(a), 23.5(b), 23.5(d), 23.5(k), 23.5(p), related AFM appendices, and policy memoranda. The guidance contained in the Policy Manual is controlling and supersedes any prior guidance.

Policy Highlights

[Part A: Adjustment of Status Policies and Procedures](#)

- Provides guidance on basic eligibility requirements and filing instructions, including the definition of a “properly filed” application, concurrent filing, and jurisdiction.
- Provides guidance on evidentiary requirements, including initial evidence, unavailability of official records, use of affidavits, and requests for evidence.
- Provides guidance on interviews, including interview waiver criteria and use of interpreters.

- Clarifies adjudication guidelines, to include guidance on verifying the underlying basis for adjustment and reviewing ongoing eligibility, visa availability, and admissibility.
- Updates guidance on applicants' requests to transfer a pending adjustment application from one underlying basis to another.
- Explains the applicable burden of proof and standard of proof and provides guidance on determining when the favorable exercise of discretion is warranted.

Part B: 245(a) Adjustment

- Explains eligibility requirements for adjustment of status under INA 245(a).
- Explains the meaning of “inspected and admitted” and “inspected and paroled” and reviews the purpose and scope of the terms: inspection, admission, and parole.
- Explains the distinction between lawful status, unlawful status, and period of authorized stay.
- Explains the scope and applicability of the bars to adjustment and related exemptions, including employment-based exemptions.

Citation

Volume 7: Adjustment of Status, Part A, Adjustment of Status Policies and Procedures [[7 USCIS-PM A](#)]; Volume 7: Adjustment of Status, Part B, 245(a) Adjustment [[7 USCIS-PM B](#)].