



U.S. Citizenship
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USCIS Clarifies Physical Presence Guidance for Asylees and Refugees Applying for Adjustment of Status

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Effective immediately, U.S. Citizenship and Immigration Services (USCIS) has updated guidance in the [USCIS Policy Manual](#) to clarify that both asylees and refugees must have been physically present in the United States for one year when we adjudicate their [Form I-485, Application to Register Permanent Residence or Adjust Status](#), rather than at the time they file their adjustment of status application. This applies to all Form I-485 and [Form N-400, Application for Naturalization](#), applications pending on Feb. 2, 2023, and those filed on or after that date.

This update will promote consistency across asylee and refugee adjustment of status applications. If we cannot determine whether an applicant satisfies the one-year physical presence requirement by reviewing their file or our records when we adjudicate their Form I-485, we may request additional evidence.

This policy manual update also:

- Clarifies that asylee and refugee adjustment of status applicants previously admitted in J-1 or J-2 nonimmigrant status and otherwise subject to the two-year foreign residence requirement under Immigration and Nationality Act (INA) 212(e) do not need to meet that two-year requirement (or obtain a waiver) to adjust their status under INA 209; and
- Makes minor technical updates, including clarifying processing steps for refugees seeking waivers of inadmissibility, removing references to the obsolete Form I-291, Decision on Application for Status as Permanent Resident, and adding regulatory citations related to asylum termination procedures.

The new guidance can be found in the USCIS Policy Manual. Visit the [Policy Manual Feedback](#) page to comment on this update. USCIS welcomes feedback on this guidance and will consider any comments received in future updates.