CHAPTER 3

EXTENDING U NONIMMIGRANT STATUS, RENEWING EMPLOYMENT AUTHORIZATION, AND
OBTAINING ADVANCE PAROLE

Extending U Nonimmigrant Status

As mentioned in the previous chapter, U visa holders must continuously reside in the U.S. for three years in U Nonimmigrant status in order to become eligible for legal permanent residence. However, it is sometimes impossible for U visa holders to fulfill that requirement without first extending their U Nonimmigrant status. For example, for individuals who obtained U Nonimmigrant status abroad (i.e. derivatives), the required three years of continuous physical presence will not begin to accrue until s/he has entered the U.S. In some cases, it will be necessary to extend that individual’s U Nonimmigrant status so that s/he may accrue the three years of continuous physical presence necessary to become eligible for legal permanent residency.

The U.S. Citizenship and Immigration Services (USCIS) provides extensions of U Nonimmigrant status when:

- The U Nonimmigrant’s initial period of stay is less than four years or;

- A qualifying family member is unable to enter the U.S. timely due to delays in consular processing; or

- The certifying official on the U nonimmigrant petition attests that the nonimmigrant’s presence in the U.S. continues to be necessary to assist in the investigation or prosecution of the qualifying criminal activity; or

- The extension is warranted due to exceptional circumstances.

U visa holders who do not file an application for legal permanent residency prior to the expiration of the U Nonimmigrant status will become undocumented once again. Therefore, it is extremely important to extend the U Nonimmigrant status of those who need more time to accrue three years of continuous physical presence in the U.S. and file the application for legal permanent residency prior to the expiration of the U Nonimmigrant status.

Included in this chapter is a sample I-539 Extension of U Nonimmigrant Status Application. We have also included a copy of USCIS’s Policy Memorandum regarding Extension of Status for T and U Nonimmigrants.
Renewing Employment Authorization

It is also important to renew the applicant’s Employment Authorization Document (work permit), so that s/he may remain eligible to work in the U.S. while waiting for his/her adjustment of status or request for extension of status to be adjudicated. The code under which you apply for the work permit renewal depends upon which application you are filing. For example, if you submit an I-765 Application for Employment Authorization concurrently with an I-539 Application to Extend/Change Nonimmigrant Status, you will use code (a)(19) for U visa principals and (a)(20) for U visa derivatives. Please see the sample I-539 packet included in this chapter for an example. If you submit the I-765 concurrently with the adjustment of status packet, you will file it under code (c)(9), for pending adjustment. Please see the sample adjustment of status application packet included in Chapter 4.

Obtaining Advance Parole

U visa holders may apply for Advance Parole and adjustment of status concurrently by filing an I-131 Application for Travel Document. The travel document enables the applicant to travel abroad while his/her adjustment of status application is pending with USCIS. If the applicant simultaneously applies to renew his/her work permit, the ‘travel document’ will be a mere notation at the bottom of the work permit. The applicant will be required to present the work permit to immigration authorities upon return to the U.S.

In most cases, we recommend that our clients wait until they receive their green cards to travel abroad. However, in the case of emergency or other compelling need, they may travel abroad and reenter the U.S. with Advance Parole. A sample I-131 Application for Travel Document is included in this chapter.
CASE SUMMARY FOR MR. A

Ms. E. successfully obtained her U visa with the assistance of a volunteer attorney. She included her son, Mr. A, who lived in Honduras, as a derivative on her application. Their U visas were valid from February 28, 2011 to February 27, 2015.

It took one and a half years for Mr. A to undergo consular processing and enter the U.S. on his U visa. He entered the U.S. on November 12, 2012.

Due to this delay in processing, Mr. A was unable to accrue three years of continuous physical presence in the U.S. prior to the expiration of his U visa. He was therefore required to extend his U Nonimmigrant status by filing an I-539 Application to Extend/Change Nonimmigrant status. His application is attached.

*Please note that it can take several months for the immigration service to adjudicate an I-539 application, so volunteer attorneys should file this application as soon as they become aware that it is necessary.
Via Priority Mail

April 1, 2014

USCIS—Vermont Service Center
Attn: U Visa Unit, Box 1000
75 Lower Welden Street
St. Albans, VT 05479-0001

RE: Request for Extension of U Nonimmigrant Status
I-539 Application to Extend/Change Nonimmigrant Status
I-765 Application for Employment Authorization
I-912 Request for Fee Waiver

Dear Staff:

On behalf of our client, we are filing the enclosed I-539 Application to Extend/Change Nonimmigrant Status, I-765 Application for Employment Authorization, and I-912 Fee Waiver Request.

On February 28, 2011, the Vermont Service Center (“VSC”) granted U-1 Nonimmigrant status to Mr., mother’s Ms. , U Nonimmigrant Status is valid from February 28, 2011 to February 27, 2015.

Mr. was included as a derivative on his mother’s application. However, he was living when the U visa was approved; he entered the United States on November 12, 2012. His U Nonimmigrant status is only valid through the duration of his mother’s U Visa, February 27, 2015. An extension of Mr. ’s U Nonimmigrant status is necessary for him to accrue at least three (3) years of continuous physical presence in order to qualify for legal permanent residency.
Enclosed please find the following documents:

1. G-28 Notice of Entry of Appearance as Attorney
2. I-912 Request for Fee Waiver;
3. I-539 Application to Extend Nonimmigrant Status;
4. A statement from Mr. ___ explaining why he needs an extension of his U Nonimmigrant visa status with certified translation;
5. I-765 Application for Employment Authorization with two passport-style photos;
6. Notice of Approval of I-918A, Petition for Qualifying Family Member of U-1 Recipient, dated December 2, 2010;
7. A copy of Mr. ___ current Employment Authorization Document;
8. A copy of the biographic page of Mr. ___ current passport;
9. A copy of Mr. ___ United States U3 Visa;
10. A copy of Mr. ___ I-94 showing that he entered the United States on November 12, 2012; and
11. A copy of Mr. ___ Landing Card showing that he entered the United States on November 12, 2012

Please adjudicate the enclosed I-539, I-765 and fee waiver request. Thank you for your prompt attention to this matter. If you have any questions or need additional information, please contact me at (213) 385-2977, extension 218.

Sincerely,

[Signature]

Jordana Mosten
Skadden Fellow/Staff Attorney
Immigrants’ Rights Project
Public Counsel

Enclosures

cc: [Redacted] with enclosures
Notice of Entry of Appearance  
as Attorney or Accredited Representative  
Department of Homeland Security  

**Part 1. Information About Attorney or Accredited Representative**

<table>
<thead>
<tr>
<th>Name and Address of Attorney or Accredited Representative</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.a. Family Name (Last Name)</td>
</tr>
<tr>
<td>1.b. Given Name (First Name)</td>
</tr>
<tr>
<td>1.c. Middle Name</td>
</tr>
<tr>
<td>2. Name of Law Firm or Recognized Organization</td>
</tr>
<tr>
<td>3. Name of Law Student or Law Graduate</td>
</tr>
<tr>
<td>4. State Bar Number</td>
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<tr>
<td>5.a. Street Number</td>
</tr>
<tr>
<td>5.b. Street Name</td>
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<tr>
<td>5.d. City or Town</td>
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<tr>
<td>5.e. State</td>
</tr>
<tr>
<td>5.f. Zip Code</td>
</tr>
<tr>
<td>5.g. Postal Code</td>
</tr>
<tr>
<td>5.h. Province</td>
</tr>
<tr>
<td>5.i. Country</td>
</tr>
</tbody>
</table>

| 6. Daytime Phone Number | (213) 385-2977 |
| 7. E-Mail Address of Attorney or Accredited Representative | jmosten@publiccounsel.org |

**Part 2. Eligibility Information For Attorney or Accredited Representative**

(Check applicable item(s) below)

1. [x] I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest court(s) of the following State(s), possession(s), territory(ies), commonwealth(s), or the District of Columbia.
   - California

2. I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States, so recognized by the Department of Justice, Board of Immigration Appeals pursuant to 8 CFR 292.2. Provide the name of the organization and the expiration date of accreditation.
   - 2.a. Name of Recognized Organization |
   - 2.b. Date Accreditation expires (mm/dd/yyyy) |

3. I am associated with
   - 3.a. |
   - the attorney or accredited representative of record who previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative is at his or her request. If you check this item, also complete number 1 (1.a. - 1.b.1.) or number 2 (2.a. - 2.b.) in Part 2 (whichever is appropriate).

4. I am a law student or law graduate working under the direct supervision of the attorney or accredited representative of record on this form in accordance with the requirements in 8 CFR 292.1(a)(2)(iv).
Part 3. Notice of Appearance as Attorney or Accredited Representative

This appearance relates to immigration matters before (select one):

1. 1 USCIS - List the form number(s)
   1.a. I-539  i - 745  

2. 0 ICE - List the specific matter in which appearance is entered
   2.a.  

3. 0 CBP - List the specific matter in which appearance is entered
   3.a.  

I hereby enter my appearance as attorney or accredited representative at the request of:

4. Select only one: 1 Applicant 0 Petitioner 0 Respondent (ICE, CBP)

Name of Applicant, Petitioner, or Respondent

5.a. Family Name  
      (Last Name)  

5.b. Given Name  
      (First Name)  

5.c. Middle Name  

5.d. Name of Company or Organization, if applicable  

NOTE: Provide the mailing address of Petitioner, Applicant, or Respondent and not the address of the attorney or accredited representative, except when a safe mailing address is permitted on an application or petition filed with Form G-28.

6.a. Street Number and Name  


6.c. City or Town  Los Angeles  


7. Provide A-Number and/or Receipt Number  

Pursuant to the Privacy Act of 1974 and DHS policy, I hereby consent to the disclosure to the named Attorney or Accredited Representative of any record pertaining to me that appears in any system of records of USCIS, ICE, or CBP.

8.a. Signature of Applicant, Petitioner, or Respondent  

8.b. Date (mm/dd/yyyy)  3/24/14  

Part 4. Signature of Attorney or Accredited Representative

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before the Department of Homeland Security. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

1. Signature of Attorney or Accredited Representative  

2. Signature of Law Student or Law Graduate  

3. Date (mm/dd/yyyy)  3/24/2014  

Part 5. Additional Information

1.  

2.  

3.  

4.  

5.  

6.  

7.  

8.  

Form G-28 02/28/13 N  Page 2 of 2
Request for Fee Waiver
Department of Homeland Security
U.S. Citizenship and Immigration Services

Before you fill out this form, please read the instructions.

Section 1. Information About You (Provide information about yourself. If you are applying for a minor child, provide information about the minor child.)

Line 1. a. Family Name (Last Name)

Line 1. b. Given Name (First Name)

Line 1. c. Middle Initial

Line 2. Alien Registration Number ▶ A-

Line 3. Date of Birth (mm/dd/yyyy) ▶

Line 4. Marital Status X Never Married □ Divorced □ Marriage Annulled
□ Married □ Widow(er) □ Legally Separated

Line 5. Applications and Petitions (Enter the form number(s) of the application(s) and/or petition(s) for which you are requesting a fee waiver.)

Biometrics services fees, where applicable, will be included in the fee waiver request.

1-539; 1-765

FOR USCIS USE ONLY

Application Receipted At

(choose only one box):

USCIS Field Office
□ Fee Waiver Approved
Date:

□ Fee Waiver Denied
Date:

USCIS Service Center
□ Fee Waiver Approved
Date:

□ Fee Waiver Denied
Date:

Section 2. Additional Information for Dependent(s)

Line 6. Complete the Table below if applicable. (If you need more space, attach a separate sheet of paper.)

<table>
<thead>
<tr>
<th>Name (First, Ml, Last)</th>
<th>A-Number (If applicable)</th>
<th>Is Individual Included in Fee Waiver Request?</th>
<th>Date of Birth (mm/dd/yyyy)</th>
<th>Relationship to You</th>
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<td>□ Yes □ No</td>
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<td>□ Yes □ No</td>
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</tbody>
</table>
### Section 3. Basis for Your Request (Check any that apply. For additional information, see the form instructions.)

- **Line 7. a.** [ ] I am or a relevant member of my household is currently receiving a means-tested benefit. (*Complete Sections 4 and 7.*)
- **Line 7. b.** [x] My household income is at or below 150% of the Federal Poverty Guidelines. (*Complete Sections 5 and 7.*)
- **Line 7. c.** [ ] I have a financial hardship. (*Complete Sections 5, 6 and 7.*)

### Section 4. Means-Tested Benefit

**Line 8.** Complete the Table Below (If you need more space, attach a separate sheet of paper.)

<table>
<thead>
<tr>
<th>Name of Person Receiving the Benefit</th>
<th>Name of Agency Awarding Benefit</th>
<th>Date Benefit Was Awarded</th>
<th>Is This Benefit Being Received Now?</th>
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<tbody>
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<td>[ ] Yes [ ] No</td>
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<td>[ ] Yes [ ] No</td>
</tr>
</tbody>
</table>

### Section 5. Household Income (Provide evidence of monthly income or other support.)

- **Line 9.** Other than you, how many others in your household depend on the stated income? [ ] 1

- **Line 10.** Average monthly wage income from household members
  ➤ $900.00

- **Line 11.** Enter other money received each month that is not included in Line 14. (This could include spousal support, child support, unemployment, etc.)
  ➤ [ ] $900.00

**TOTAL** (USCIS will compare this amount to Federal Poverty Guidelines) ➤ $900.00
Section 6. Financial Hardship

Line 12. Describe your particular situation. Be sure to include how this situation has caused you to incur costs (and what the costs were) or loss of income that you have experienced (and what that loss was). Complete this section in English; otherwise, provide an accompanying English translation. *(If you need more space, attach a separate sheet of paper.)*

If you are currently unemployed, you must complete Lines 13 and 14.

**Line 13.** Date that you became unemployed *(mm/dd/yyyy)*

**Line 14.** Amount of unemployment compensation (monthly) that you are receiving (enter dollars)

**Line 15.** List your assets and the value of your assets. *(If you need more space, attach a separate sheet of paper.)*

<table>
<thead>
<tr>
<th>Type of Asset</th>
<th>Value (enter dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

**TOTAL Value of Assets**
Section 6. Financial Hardship (Cont'd)

List your average monthly costs, and provide evidence of monthly payments where possible. (If you need more space, attach a separate sheet of paper.)

<table>
<thead>
<tr>
<th>Type of Cost</th>
<th>Value (Enter Dollars)</th>
<th>Type of Cost</th>
<th>Value (Enter Dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rent</td>
<td></td>
<td>Loan Payment</td>
<td></td>
</tr>
<tr>
<td>Mortgage</td>
<td></td>
<td>Commuting Costs</td>
<td></td>
</tr>
<tr>
<td>Food</td>
<td></td>
<td>Medical</td>
<td></td>
</tr>
<tr>
<td>Utilities</td>
<td></td>
<td>School</td>
<td></td>
</tr>
<tr>
<td>Child/Elder Care</td>
<td></td>
<td>Other Expenses</td>
<td></td>
</tr>
<tr>
<td>Insurance</td>
<td></td>
<td>TOTAL Monthly Costs</td>
<td></td>
</tr>
</tbody>
</table>

Section 7. Your Signature and Authorization

Do not sign your Form I-912 until it is complete and you are ready to file.

I take full responsibility for the accuracy of all the information provided, including all supporting documentation. I authorize the release of any information, including the release of my Federal tax returns, that USCIS needs to determine my eligibility.

Each person applying for a fee waiver request must sign Form I-912. This includes individuals identified in Sections 1 and 2 if 14 years of age or older. (If you need more space, attach a separate sheet of paper.)

Line 17. Your Signature [Redacted] Date (mm/dd/yyyy) ▶ 3/24/14

Printed Name [Redacted]

Line 17.1. Additional Signature [Redacted] Date (mm/dd/yyyy) ▶

Printed Name [Redacted]

Line 17.2. Additional Signature [Redacted] Date (mm/dd/yyyy) ▶

Printed Name [Redacted]

Line 17.3. Additional Signature [Redacted] Date (mm/dd/yyyy) ▶

Printed Name [Redacted]

Line 17.4. Additional Signature [Redacted] Date (mm/dd/yyyy) ▶

Printed Name [Redacted]
### Section 7. Your Signature and Authorization (continued)

<table>
<thead>
<tr>
<th>Line 17.5. Additional Signature</th>
<th>Date (mm/dd/yyyy)</th>
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</thead>
<tbody>
<tr>
<td>Printed Name</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Line 17.6. Additional Signature</th>
<th>Date (mm/dd/yyyy)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Printed Name</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Line 17.7. Additional Signature</th>
<th>Date (mm/dd/yyyy)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Printed Name</td>
<td></td>
</tr>
</tbody>
</table>
Department of Homeland Security
U.S. Citizenship and Immigration Services

START HERE - Please type or print in blue or black ink

Part 1. Information About You

Family Name (Last Name) [Redacted]  Given Name (First Name) [Redacted]  Middle Name [Redacted]

Address -
In care of -

Street Number [Redacted]  and Name [Redacted]

City [Redacted]  State CA  Zip Code [Redacted]  Daytime Phone Number [Redacted]

Country of Birth Honduras  Country of Citizenship Honduras

Date of Birth [Redacted]  U. S. Social Security # (if any) [Redacted]  A-Number (if any) [Redacted]

Date of Last Arrival Into the U.S. 11/12/2012  I-94 Number [Redacted]

Current Nonimmigrant Status  B-3 Nonimmigrant  Expires on (mm/dd/yyyy) 02/27/2015

Part 2. Application Type (See instructions for fee)

1. I am applying for: (Check one)
   a. [ ] An extension of stay in my current status.
   b. [ ] A change of status. The new status I am requesting is: [Redacted]
   c. [ ] Reinstatement to student status.

2. Number of people included in this application: (Check one)
   a. [ ] I am the only applicant.
   b. [ ] Members of my family are filing this application with me.
   The total number of people (including me) in the application is: [Redacted]

Part 3. Processing Information

1. If we request that my/our current or requested status be extended until (mm/dd/yyyy): 11/12/2016

2. Is this application based on an extension or change of status already granted to your spouse, child, or parent?
   [X] No  [ ] Yes. USCIS Receipt # [Redacted]

3. Is this application based on a separate petition or application to give your spouse, child, or parent an extension or change of status?[X] No  [ ] Yes, filed with this I-539.

   [ ] Yes, filed previously and pending with USCIS. Receipt #: [Redacted]

4. If you answered "Yes" to Question 3, give the name of the petitioner or applicant:

If the petition or application is pending with USCIS, also give the following data:

Office filed at [Redacted]  Filed on (mm/dd/yyyy) [Redacted]

Part 4. Additional Information

1. For applicant #1, provide passport information:
   Country of Issuance: Honduras
   Valid to: (mm/dd/yyyy) 10/01/2016

2. Foreign Address: Street Number and Name [Redacted]  Apt. Number [Redacted]

   City or Town [Redacted]  State or Province [Redacted]

   Country [Redacted]  Zip/Postal Code [Redacted]

OMB No. 1615-0003; Expires 12/31/2015
I-539, Application to Extend/Change Nonimmigrant Status

For USCIS Use Only

Returned [Redacted]  Receipt [Redacted]

Date [Redacted]  Resubmitted [Redacted]

Date [Redacted]  Reloc Sent [Redacted]

Date [Redacted]  Reloc Rec'd [Redacted]

Part 2. Application Type (See instructions for fee)

1. I am applying for: (Check one)
   a. [X] An extension of stay in my current status.
   b. [ ] A change of status. The new status I am requesting is: [Redacted]
   c. [ ] Reinstatement to student status.

2. Number of people included in this application: (Check one)
   a. [X] I am the only applicant.
   b. [ ] Members of my family are filing this application with me.
   The total number of people (including me) in the application is: [Redacted]

Part 3. Processing Information

1. If we request that my/our current or requested status be extended until (mm/dd/yyyy): 11/12/2016

2. Is this application based on an extension or change of status already granted to your spouse, child, or parent?
   [X] No  [ ] Yes. USCIS Receipt # [Redacted]

3. Is this application based on a separate petition or application to give your spouse, child, or parent an extension or change of status?[X] No  [ ] Yes, filed with this I-539.

   [ ] Yes, filed previously and pending with USCIS. Receipt #: [Redacted]

4. If you answered "Yes" to Question 3, give the name of the petitioner or applicant:

If the petition or application is pending with USCIS, also give the following data:

Office filed at [Redacted]  Filed on (mm/dd/yyyy) [Redacted]

Part 4. Additional Information

1. For applicant #1, provide passport information:
   Country of Issuance: Honduras
   Valid to: (mm/dd/yyyy) 10/01/2016

2. Foreign Address: Street Number and Name [Redacted]  Apt. Number [Redacted]

   City or Town [Redacted]  State or Province [Redacted]

   Country [Redacted]  Zip/Postal Code [Redacted]

To Be Completed by Attorney or Representative, if any

[ ] Fill in box if G-28 is attached to represent the applicant.

ATTY State License # 274563
3. Answer the following questions. If you answer "Yes" to any question, describe the circumstances in detail and explain on a separate sheet of paper.

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Are you, or any other person included on the application, an applicant for an immigrant visa?</td>
<td></td>
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</tr>
<tr>
<td>b. Has an immigrant petition ever been filed for you or for any other person included in this application?</td>
<td></td>
<td>☒</td>
</tr>
<tr>
<td>c. Has Form I-485, Application to Register Permanent Residence or Adjust Status, ever been filed by you or by any other person included in this application?</td>
<td></td>
<td>☒</td>
</tr>
<tr>
<td>d. 1. Have you, or any other person included in this application, ever been arrested or convicted of any criminal offense since last entering the United States?</td>
<td></td>
<td>☒</td>
</tr>
<tr>
<td>d. 2. Have you EVER ordered, incited, called for, committed, assisted, helped with, or otherwise participated in any of the following: (a) Acts involving torture or genocide? (b) Killing any person? (c) Intentionally and severely injuring any person? (d) Engaging in any kind of sexual contact or relations with any person who was being forced or threatened? (e) Limiting or denying any person’s ability to exercise religious beliefs?</td>
<td></td>
<td>☒</td>
</tr>
<tr>
<td>d. 3. Have you EVER: (a) Served in, been a member of, assisted in, or participated in any military unit, paramilitary unit, police unit, self-defense unit, vigilante unit, rebel group, guerrilla group, militia, or insurgent organization? (b) Served in any prison, jail, prison camp, detention facility, labor camp, or any other situation that involved detaining persons?</td>
<td></td>
<td>☒</td>
</tr>
<tr>
<td>d. 4. Have you EVER been a member of, assisted in, or participated in any group, unit, or organization of any kind in which you or other persons used any type of weapon against any person or threatened to do so?</td>
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</tr>
<tr>
<td>d. 5. Have you EVER assisted or participated in selling or providing weapons to any person who to your knowledge used them against another person, or in transporting weapons to any person who to your knowledge used them against another person?</td>
<td></td>
<td>☒</td>
</tr>
<tr>
<td>d. 6. Have you EVER received any type of military, paramilitary, or weapons training?</td>
<td></td>
<td>☒</td>
</tr>
<tr>
<td>e. Have you, or any other person included in this application, done anything that violated the terms of the nonimmigrant status you now hold?</td>
<td></td>
<td>☒</td>
</tr>
<tr>
<td>f. Are you, or any other person included in this application, now in removal proceedings?</td>
<td></td>
<td>☒</td>
</tr>
<tr>
<td>g. Have you, or any other person included in this application, been employed in the United States since last admitted or granted an extension or change of status?</td>
<td></td>
<td>☒</td>
</tr>
</tbody>
</table>

1. If you answered "Yes" to Question 3f, give the following information concerning the removal proceedings on the attached page entitled "Part 4. Additional information. Page for answers to 3f and 3g." Include the name of the person in removal proceedings and information on jurisdiction, date proceedings began, and status of proceedings.

2. If you answered "No" to Question 3g, fully describe how you are supporting yourself on the attached page entitled "Part 4. Additional information. Page for answers to 3f and 3g." Include the source, amount, and basis for any income.

3. If you answered "Yes" to Question 3g, fully describe the employment on the attached page entitled "Part 4. Additional information. Page for answers to 3f and 3g." Include the name of the person employed, name and address of the employer, weekly income, and whether the employment was specifically authorized by USCIS.
h. Are you currently or have you ever been a J-1 exchange visitor or a J-2 dependent of a J-1 exchange visitor?  □  Yes  □  No

If "Yes," you must provide the dates you maintained status as a J-1 exchange visitor or J-2 dependent. Willful failure to disclose this information (or other relevant information) can result in your application being denied. Also, provide proof of your J-1 or J-2 status, such as a copy of Form DS-2019, Certificate of Eligibility for Exchange Visitor Status, or a copy of your passport that includes the J visa stamp.

Part 5. Applicant’s Statement and Signature

(Applicant’s Statement (Check One):

□ I can read and understand English, and have read and understand each and every question and instruction on this form, as well as my answer to each question.

□ Each and every question and instruction on this form, as well as my answer to each question, has been read to me by the person named below in Spanish, a language in which I am fluent. I understand each and every question and instruction on this form, as well as my answer to each question.

Applicant’s Signature

I certify, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it is all true and correct. I authorize the release of any information from my records that U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit I am seeking.

Signature  ___________________________  Print your Name  ___________________________  Date  3/24/14

Daytime Telephone Number  ___________________________  E-Mail Address  ___________________________

NOTE: If you do not completely fill out this form or fail to submit required documents listed in the instructions, you may not be found eligible for the requested benefit and this application may be denied.

Part 6. Interpreter’s Statement

Language used:  Spanish

I certify that I am fluent in English and the above-mentioned language. I further certify that I have read each and every question and instruction on this form, as well as the answer to each question, to this applicant in the above-mentioned language, and the applicant has understood each and every instruction and question on the form, as well as the answer to each question.

Signature  ___________________________  Print Your Name  Jordana MOSTEN  Date  3/24/14

Firm Name (if applicable)  Public Counsel  Daytime Telephone Number  (Area Code and Number)  (213) 385-2977

Address  610 South Armore Ave  Los Angeles, CA 90005  Fax Number (Area Code and Number)  (213) 386-9089  E-Mail Address  jmosten@publiccounsel.org
Part 7. Signature of Person Preparing Form, if Other Than Above (Sign Below)

<table>
<thead>
<tr>
<th>Signature</th>
<th>Print Your Name</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Jordana L. Mosten</td>
<td>03/24/14</td>
</tr>
</tbody>
</table>

Form Name: Public Counsel

Daytime Telephone Number

(Area Code and Number) (213) 385-2977

Fax Number (Area Code and Number)

(213) 385-5089

E-Mail Address

jmosten@publiccounsel.org

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Part 4. (Continued) Additional Information. (Page 2 for answers to 3f and 3g.)

If you answered "Yes" to Question 3f in Part 4 on Page 3 of this form, give the following information concerning the removal proceedings. Include the name of the person in removal proceedings and information on jurisdiction, date proceedings began, and status of proceedings.

N/A

If you answered "No" to Question 3g in Part 4 on Page 3 of this form, fully describe how you are supporting yourself. Include the source, amount and basis for any income.

I currently live at home and attend elementary school. I am supported by my mother who works.

If you answered "Yes" to Question 3g in Part 4 on Page 3 of this form, fully describe the employment. Include the name of the person employed, name and address of the employer, weekly income, and whether the employment was specifically authorized by USCIS.

N/A
**Supplement - 1**

Attach to Form I-539 when more than one person is included in the petition or application.  
(List each person separately. Do not include the person named in Form I-539.)

<table>
<thead>
<tr>
<th>Family Name (Last Name)</th>
<th>Given Name (First Name)</th>
<th>Middle Name</th>
<th>Date of Birth (mm/dd/yyyy)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Country of Birth</td>
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<td>U.S. Social Security # (if any)</td>
<td>A-Number (if any)</td>
</tr>
<tr>
<td>Date of Arrival (mm/dd/yyyy)</td>
<td>1-94 Number</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current Nonimmigrant Status:</td>
<td>Expires on (mm/dd/yyyy)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Country Where Passport Issued</td>
<td>Expiration Date (mm/dd/yyyy)</td>
<td></td>
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</table>

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<thead>
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<td>Country Where Passport Issued</td>
<td>Expiration Date (mm/dd/yyyy)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If you need additional space, attach a separate sheet of paper.

Place your name, A-Number, if any, date of birth, form number, and application date at the top of the sheet of paper.
DECLARATION OF [REDACTED] IN SUPPORT OF REQUEST FOR EXTENSION OF NONIMMIGRANT STATUS (FORM I-539)

I, [REDACTED], eleven years of age, declare as follows:

1. I am providing this declaration in support of my request for an extension of my U nonimmigrant status. I need the extension so I am able to accrue the three years necessary to apply for adjustment of status.

2. I was included as a derivative on my mother's U visa application. My mother was granted U nonimmigrant status from February 28, 2011 to February 27, 2015.

3. I arrived in the United States from Honduras on November 12, 2012. My U-3 nonimmigrant status is only through the duration of my mother's U Visa status, February 27, 2015.

4. I need my U status extended so that I can accrue the three years of continuous physical presence in the U.S. necessary to become eligible for legal permanent residency.

5. I currently am in sixth grade in [REDACTED]. I live at home and am supported by my mom, who works. I plan to graduate from high school and go to college. I would like to remain in U nonimmigrant status so that I can apply for legal permanent residency. I want to continue my education. If I am a legal permanent resident, I will qualify for federal financial aid and I will be able to pursue my dream of higher education. Without legal permanent residency, I will be unable to complete this goal. Also, my mother is applying for legal permanent resident status. I would like to be able to apply as well.

6. Please grant my request for a visa extension.

I declare under penalty of perjury that the foregoing is true and correct under the laws of the State of California.

[REDACTED] 3/24/14
Date
I, Jordana L. Mosten hereby certify that I am competent in both the Spanish and English languages, that I translated a declaration from the Spanish to the English language, and that said translation is true and correct to the best of my knowledge and ability.

Dated: 3/24/14

[Signature]

Jordana L. Mosten
2 Passport-Sized Photographs of Client
Department of Homeland Security
U.S. Citizenship and Immigration Services

I-765, Application For Employment Authorization

Do not write in this block.

Remarks
Action Block
Fee Stamp

A# __________________________

[ ] Applicant is filing under §274a.12

[ ] Application Approved. Employment Authorized / Extended (Circle One) until _________________ (Date).

[ ] Subject to the following conditions:

[ ] Application Denied.

[ ] Failed to establish eligibility under 8 CFR 274a.12 (a) or (c).

[ ] Failed to establish economic necessity under 8 CFR 274a.12(c)(14), (18) and 8 CFR 214.2(f)

I am applying for:
[ ] Permission to accept employment.
[ ] Replacement (of lost employment authorization document).
[ ] Renewal of my permission to accept employment (attach previous employment authorization document).

1. Name (Family Name in CAPS) (First) __________________________ (Middle) __________________________

2. Other Names Used (include Maiden Name) __________________________ __________________________

3. U.S. Mailing Address (Street Number and Name) (Apt. Number) __________________________

(Town or City) __________________________ (State/Country) __________________________ (ZIP Code)

Los Angeles CA 90003

4. Country of Citizenship/Nationality

Honduras

5. Place of Birth (Town or City) __________________________ (State/Province) __________________________ (Country)

Santa Cruz de Yojoa Cortes Honduras

6. Date of Birth (mm/dd/yyyy) (Gender)

(mm/dd/yyyy) __________________________ Male [ ] Female [ ]


9. Social Security Number (Include all numbers you have ever used, if any) __________________________

10. Alien Registration Number (A-Number) or I-94 Number (if any)

11. Have you ever before applied for employment authorization from USCIS?
[ ] Yes (Complete the following questions.) [ ] No (Proceed to Question 12.)

Which USCIS Office? VSC 05/03/2010

Date(s)

Results (Granted or Denied - attach all documentation)

Granted

12. Date of Last Entry into the U.S., on or about (mm/dd/yyyy)

11/12/2012

13. Place of Last Entry into the U.S.

LAX

14. Status at Last Entry (B-2 Visitor, F-1 Student, No Lawful Status, etc.)

U-3 Nonimmigrant

15. Current Immigration Status (Visitor, Student, etc.)

U-3 Nonimmigrant

16. Go to the "Who May File Form I-765?" section of the instructions. In the space below, place the letter and number of the eligibility category you selected from the instructions. (For example, (A)(9), (A)(11)(ii), etc.).

(A) ( ) ( )

17. If you entered the eligibility category, (A)(3)(C), in Question 16 above, list your degree, your employer's name as listed in E-Verify, and your employer's E-Verify Company Identification Number or a valid E-Verify Client Company Identification Number in the space below.

Degree:

Employer's Name as listed in E-Verify:

Employer's E-Verify Company Identification Number or a valid E-Verify Client Company Identification Number

Certification

Your Certification: I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information that U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit I am seeking. I have read the "Who May File Form I-765?" section of the instructions and have identified the appropriate eligibility category in Question 16.

Signature __________________________ Telephone Number __________________________ Date 3/24/14

Signature of Person Preparing Form, If Other Than Above: I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.

Print Name Jordana Mosten 610 S. Ardmore Ave LA, CA 90026

Signature __________________________ Date 3/24/2014

Remarks

Initial Receipt Resubmitted Received Sent Approved Denied Returned

Form I-765 04/01/13 Y
I-918 Principal A#
I-918A Derivative A#

CASE TYPE:
I-918A Petition for Qualifying Family Member of U-1 Recipient

RECEIPT DATE:
May 3, 2010

PRIORITI DATE

PRINCIPAL:

NOTICE DATE:
March 29, 2011

PAGE:
1 of 1

QUALIFYING FAMILY MEMBER:

Notice Type: Approval
Class: U-3
Valid From: February 28, 2011 To February 27, 2015

The Petition for Qualifying Family Member of U-1 Recipient filed on your behalf has been approved. Attached below please find a completed Form I-94, Arrival-Departure Record, indicating that you have been granted U Nonimmigrant status for the specified period.

EMPLOYMENT AUTHORIZATION:

You are authorized to work in the United States for the validity period of your U nonimmigrant status. To receive evidence of employment authorization, submit a Form I-765 to the office listed below. If you filed a Form I-765, Application for Employment Authorization, in conjunction with the petition for U nonimmigrant status file on your behalf, a decision on that form will be mailed to you separately.

ADJUSTMENT OF STATUS:

Federal law provides that you may be eligible to adjust your status to that of a lawful permanent resident. A U nonimmigrant may submit an application for adjustment of status after he/she has been physically present in the United States for a continuous period of at least 3 years after the date he/she was admitted as a U nonimmigrant.

DEPARTING FROM THE UNITED STATES:

Aliens with U nonimmigrant status may travel outside the United States. However, in order to return to the United States, you must obtain a U nonimmigrant visa for re-entry to the United States unless you are visa exempt or obtain a waiver. Also, if you accrued "unlawful presence" prior to obtaining U nonimmigrant status, you may be unable to re-enter the United States and may need to obtain a waiver of inadmissibility prior to or upon your return to the United States.

Please see attached additional information on the back. You will be notified separately about other cases you filed.

United States Citizenship and Immigration Services
Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479

Form I-797a (rev. 09/07/93) N

PLEASE TEAR OFF FORM I-94 PRINTED BELOW AND STAPLE TO ORIGINAL I-94 IF AVAILABLE

Detach this Half for Personal Records

Receipt #
I-94 #
NAME
CLASS U-3
VALID FROM February 28, 2011
UNTIL February 27, 2015

Receipt Number: United States Citizenship and Immigration Services
I-94
Departure Record

14. Family Name

15. First (Given) Name

16. Date of Birth

17. Country of Citizenship
   HONDURAS

Form I-797A (Rev. 10/31/05)
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**REGISTRO MIGRATORIO**

**TARJETA DE INGRESO / EGRESO**

**SISTEMA DE LA INTEGRACION CENTROAMERICANA (SICA)**

**COMISION CENTROAMERICANA DE DIRECTORES DE MIGRACION (CCAM)**
April 19, 2011

Policy Memorandum

SUBJECT: Extension of Status for T and U Nonimmigrants; Revisions to Adjudicator’s Field Manual (AFM) Chapter 39.1(g)(3) and Chapter 39.2(g)(3) (AFM Update AD11-28)

Purpose
This Policy Memorandum (PM) provides guidance about extensions of status for T and U nonimmigrants, including any related applications for adjustment of status.

Scope
Unless specifically exempted herein, this PM applies to and is binding on all USCIS employees. This PM becomes effective at the time of final publication.

Authority
- Victims of Trafficking and Violence Protection Act of 2000 (TVTPA), div. A;
- Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA 2003), Public Law No. 108-193, 117 Stat. 2875 (2003);
- Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005), Public Law No. 109-162, 119 Stat. 2960 (2006);
- Violence Against Women and Department of Justice Reauthorization Act—Technical Corrections, Public Law No. 109-271, 120 Stat. 750 (2006);

Background

T Nonimmigrant Status

On January 31, 2002, USCIS published an interim rule codified at 8 CFR 214.11, “New Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for “T” Nonimmigrant Status,” implementing the T nonimmigrant status created by the TVPA. This regulation contained brief information on adjustment of status and required a T nonimmigrant to
file for adjustment of status within the 90 days immediately preceding the third anniversary of the approval of T nonimmigrant status. 8 CFR 214.11(p)(2) (2008). The regulation also stated that proper filing of an application for adjustment of status would allow the applicant to remain in T nonimmigrant status, with all the rights and privileges of a T nonimmigrant, until a final decision is rendered on the application.

On January 5, 2006, Congress passed VAWA 2005, lengthening the duration of status for a T nonimmigrant from three years to four years. Immigration and Nationality Act (INA) § 214(o)(7)(A). It also created an extension of T nonimmigrant status beyond the four years based on a certification from a law enforcement official that the T nonimmigrant’s presence was necessary to assist in the investigation or prosecution of the acts of trafficking. INA § 214(o)(7)(B).

On December 12, 2008, USCIS published an interim rule, “Adjustment of Status to Lawful Permanent Resident for Aliens in T or U Nonimmigrant Status,” implementing the adjustment of status provisions for T nonimmigrants at 8 CFR 245.23. Significant points of this rule, which became effective on January 12, 2009, include:

- To be eligible to file for adjustment of status, an alien must have been lawfully admitted as a T nonimmigrant and continue to hold that status at the time of the application for adjustment of status. But, the T nonimmigrants who had already accrued 4 years in T nonimmigrant status remained eligible for adjustment of status as long as they filed a complete application for adjustment of status before April 13, 2009. 8 CFR 245.23(a)(2)(ii).

- The failure to apply for adjustment of status in accordance with 8 CFR 245.23 will result in termination of T nonimmigrant status at the end of the 4-year period. 8 CFR 214.11(p)(2).

- A derivative T nonimmigrant is eligible for adjustment of status only if the principal is also eligible and may file only concurrently with the principal T nonimmigrant or after the principal T nonimmigrant has filed for adjustment of status. 8 CFR 245.23(b)(1).

- The denial of a principal T nonimmigrant’s application for adjustment of status will result in denial of the derivative T nonimmigrant’s application for adjustment of status, including any adjustment application filed by a derivative after the denial of the principal’s application for adjustment of status.

On December 23, 2008, the President signed the TVPRA 2008. Section 201 of the TVPRA 2008 amended the eligibility requirements for T nonimmigrant status at INA § 101(a)(15)(T), nonimmigrant duration of status and extension provisions at INA § 214(o), and adjustment of status requirements at INA § 245(l). Amended INA § 214(o)(7) now provides that T nonimmigrant status may be extended if:
• A Federal, State, or local law enforcement official, prosecutor, judge, or other authority investigating or prosecuting activity relating to human trafficking certifies that the presence of the T nonimmigrant in the United States is necessary to assist in the investigation or prosecution of acts of trafficking; or

• USCIS determines that an extension of the period of T nonimmigrant status is warranted due to exceptional circumstances.

Amended INA § 214(o)(7) now provides that USCIS must extend T nonimmigrant status:

• During the pendency of an application for adjustment of status under INA § 245(l).

U Nonimmigrant Status

On September 27, 2007, USCIS published an interim rule codified at 8 CFR 214.14, “Alien Victims of Certain Qualifying Criminal Activity,” implementing the U nonimmigrant status created by VAWA 2000. 8 CFR 214.14(g) provides that U nonimmigrant status may be approved for a period not to exceed four years in the aggregate. USCIS will grant the derivative the extra time needed to make his or her period in the United States equal four full years. 8 CFR 214.14(g)(2)(i) provides extensions of U nonimmigrant status if:

• The U nonimmigrant’s initial period of stay is less than four years; or

• A qualifying family member is unable to enter the United States timely due to delays in processing, in which case the family member’s status may be extended beyond the expiration of the principal nonimmigrant’s status to ensure the family member will accrue at least three years in U nonimmigrant status for purposes of adjusting status (See PM 602-0001).

8 CFR 214.14(g)(2)(ii) provides extensions of U nonimmigrant status beyond the statutorily permissible four-year period if:

• The certifying official on the U nonimmigrant petition attests that the nonimmigrant’s presence in the United States continues to be necessary to assist in the investigation or prosecution of the qualifying criminal activity.

On December 12, 2008, USCIS published an interim rule, “Adjustment of Status to Lawful Permanent Resident for Aliens in T or U Nonimmigrant Status,” implementing the adjustment of status provisions for U nonimmigrants at 8 CFR 245.24. This rule became effective on January 12, 2009. To be eligible to file for adjustment of status, an alien must have been lawfully admitted as a U nonimmigrant and continue to hold that status at the time of application for adjustment of status, or the alien has accrued at least four years in U interim relief status and files a complete adjustment application within 120 days of the date of approval of the U nonimmigrant petition. 8 CFR 245.24(b)(2). Under the adjustment regulations, a derivative U nonimmigrant can adjust status at any time the derivative U nonimmigrant meets the requirements to adjust status at 8 CFR 245.24. The adjustment of status of a derivative U
nonimmigrant is not tied to the principal, so derivative U nonimmigrants are able to adjust status as long as they meet the adjustment requirements at the time of filing. Specifically, derivative U nonimmigrants must have three years of continuous physical presence in the United States and be in U nonimmigrant status at the time of filing. A derivative U nonimmigrant may need to request an extension of derivative status to accrue sufficient continuous physical presence in derivative U nonimmigrant status before applying for adjustment of status.

The TVPRA 2008 became effective on December 23, 2008. Section 201 of the TVPRA 2008 amended the duration of status and extension provisions at INA § 214(p). Amended INA § 214(p)(6) now provides that U nonimmigrant status may be extended if:

- The DHS Secretary determines that an extension of such period is warranted due to exceptional circumstances.

Amended INA § 214(p)(6) now provides that USCIS must extend U nonimmigrant status in any of the following circumstances:

- A Federal, State, or local law enforcement official, prosecutor, judge, or other Federal, State, or local authority investigating or prosecuting criminal activity certifies that the alien’s presence in the United States is required to assist in the investigation or prosecution of such criminal activity; or

- During the pendency of an application for adjustment of status under INA § 245(m).

**Policy**

**T Nonimmigrants**

Due to the complex changes to the statutory and regulatory requirements for T nonimmigrant status and related adjustment of status applications, this section on T nonimmigrants is divided into four categories with specific instructions for those applications that fall within each group.

The following information applies to T nonimmigrants afforded an extension of status during the pendency of an application for adjustment of status:

- To receive an extension of T nonimmigrant status based on the filing of an application for adjustment of status, the T nonimmigrant should file the Form I-485, Application to Register Permanent Residence or Adjust Status, with the Vermont Service Center. There is no need to file the Form I-539, Application to Extend/Change Nonimmigrant Status.
- All adjustment of status applications will be adjudicated according to the T adjustment regulation at 8 CFR 245.23.
- When a T nonimmigrant properly files for adjustment of status (which includes the requirement that the applicant hold T nonimmigrant status at the time of filing), USCIS will issue two new Forms I-797, Notice of Action: a receipt notice for the application for adjustment of status; and a notice of extension of the T nonimmigrant status.
The extension of T nonimmigrant status will be valid until a decision is rendered on the pending Form I-485 and, during that time, the applicant will continue in valid T nonimmigrant status with all the associated rights, privileges, and responsibilities. While the Form I-485 is pending, any Employment Authorization Document (EAD), as well as renewals of such EAD, will be issued using the (c)(9) eligibility code. An applicant may file Form I-765, Application for Employment Authorization, concurrently with Form I-485. Derivative T nonimmigrants who properly file an application for adjustment of status will be issued two new Forms I-797, as described above. Derivative T nonimmigrant status will not be extended based on the principal T nonimmigrant’s pending Form I-485.

The following information applies to T nonimmigrants seeking an extension of status based on law enforcement need or exceptional circumstances:

- To request an extension of T nonimmigrant status based on law enforcement need or exceptional circumstances, the principal T nonimmigrant should file the Form I-539, Application to Extend/Change Nonimmigrant Status, along with supporting evidence, with the Vermont Service Center.
- If the principal T nonimmigrant wants the extension of status also to be applied to any derivative T nonimmigrant family members, the principal should clearly indicate that request in writing on the Form I-539.
- The Form I-539 should be filed before the T nonimmigrant status expires. However, if the T nonimmigrant can explain in writing why he or she is filing the Form I-539 after the T nonimmigrant status has expired, USCIS has discretion to grant an extension based on an untimely filed Form I-539 on a case-by-case basis.
- When a T nonimmigrant properly files a Form I-539, USCIS will issue two new Forms I-797, Notice of Action: a receipt notice for Form I-539 and, if the Form I-539 is approved, a notice of extension of the T nonimmigrant status. This documentation will be issued to any derivative T nonimmigrants indicated in writing on the Form I-539.
- The extension of T nonimmigrant status based on law enforcement need or exceptional circumstances will be valid for one year from the date the T nonimmigrant status ends. In the case of an untimely Form I-539 filed after T nonimmigrant status has expired, the extension will be valid from the date the previous status expired and for one year from approval of the extension. During that period, the applicant will continue in valid T nonimmigrant status with all the associated rights, privileges, and responsibilities.
- Any Employment Authorization Document (EAD) (including renewals) will be issued using the (a)(16) eligibility code for principals and (c)(25) eligibility code for derivatives. An applicant may file Form I-765 concurrently with Form I-539.

**Group 1: Applicant Filed for Adjustment of Status While in T Nonimmigrant Status**

Under the T nonimmigrant regulations that were in effect before the adjustment regulations, a proper filing for adjustment of status must have been made within the 90 days preceding the third anniversary of the approval of the T nonimmigrant status. 8 CFR 214.11(p)(2) (2008). Those T
nonimmigrants who properly filed for adjustment of status in accordance with the previous regulations, even though they had accrued less than three years in T nonimmigrant status, will have the Form I-485 adjudicated. Based on the proper filing made under old 8 CFR 214.11(p)(2), these applicants are considered to continue in T nonimmigrant status until a final decision is made on the application for adjustment of status. Because these T nonimmigrants filed their applications for adjustment of status prior to the adjustment regulations, adjudicators may need to send a Request For Evidence (RFE) to request evidence required by the adjustment regulation.

Apart from those T nonimmigrants who filed in accordance with the filing instructions in old 8 CFR 214.11(p)(2) (2008), USCIS will not accept early filings for adjustment of status from principal T nonimmigrants with less than three years in T nonimmigrant status (except for those adjustment of status applications based on the exception at 8 CFR 245.23(a)(3) allowing for filing before three years in T nonimmigrant status because an investigation or prosecution is complete). Any Form I-485 that is filed prior to the principal T nonimmigrant accruing three years in T nonimmigrant status (other than the exception) will be rejected as untimely filed.

**Group 2: Applicant Filed for Adjustment of Status After T Nonimmigrant Status Expired but Before April 13, 2009**

The adjustment regulation allowed those applicants with expired T nonimmigrant status to file for adjustment of status by April 13, 2009 (90 days from the effective date of the T adjustment regulation). 8 CFR 245.23(a)(2)(ii).

Those applicants in Group Two with expired T nonimmigrant status who properly filed a Form I-485 before April 13, 2009, are considered to continue in T nonimmigrant status until a final decision is made on the application for adjustment of status.

**Group 3: Applicant’s T Nonimmigrant Status Expired and Applicant Failed to File for Adjustment of Status Before April 13, 2009**

Those T nonimmigrants whose status has expired, but who did not file for adjustment of status before April 13, 2009, should not have their T nonimmigrant status extended, unless they request an extension based on law enforcement need or exceptional circumstances. See INA 214(o)(7)(B)(i) and (iii). One of these extensions is necessary for the expired T nonimmigrant to be eligible to file for adjustment of status.

As outlined above, to request either of these extensions, the T nonimmigrant files Form I-539 along with supporting evidence. The nonimmigrant bears the burden of establishing eligibility for an extension. To establish law enforcement need, supporting evidence may include a new Form I-914 Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons, or other evidence from law enforcement. To establish exceptional circumstances, supporting evidence may include an applicant’s affirmative statement and any other credible evidence to establish exceptional circumstances. The T nonimmigrant should explain in writing
why he or she is filing the Form I-539 after the T nonimmigrant status has expired. USCIS will exercise its discretion to grant or deny an extension based upon the justification for the untimely filing in the specific circumstances of the case. If USCIS grants an extension of T nonimmigrant status, USCIS will issue a new Form I-797 extension notice valid from the date the previous status expired and for one year from approval of the extension. Once an applicant receives this new Form I-797, they may then file Form I-485 to adjust their status to lawful permanent resident before the expiration of the extension.

One example of possible exceptional circumstances is if a principal T nonimmigrant’s status has expired and the approved derivative did not receive a T visa from a consulate and enter the United States before the expiration of the principal’s T nonimmigrant status. In the evidence submitted to establish exceptional circumstances, the principal should explain what exceptional circumstances prevented the derivatives from entering the United States. Once the extension is granted and the derivatives enter the United States, then the principal and derivative T nonimmigrants can file for adjustment of status.

**Group 4: Derivative Family Members**

Once a principal T nonimmigrant is no longer a T nonimmigrant, whether through adjustment of status to legal permanent resident or through expiration of the T nonimmigrant status, any derivative T nonimmigrants will no longer hold derivative T nonimmigrant status. For example, if a principal T nonimmigrant did not file for adjustment of status and his or her status later expired as a result, the status of any approved derivatives in the United States will also have expired and any approved derivatives abroad would not be eligible for admission into the United States on a T visa.

To be eligible to apply for adjustment of status, a derivative T nonimmigrant must continue to hold T nonimmigrant status at the time of filing the application for adjustment of status. 8 CFR 245.23(b)(2). Accordingly, derivative T nonimmigrants are encouraged to file for adjustment of status concurrently with the principal T nonimmigrant to prevent expiration of the derivative T nonimmigrant status and the resulting ineligibility for adjustment of status. A derivative T nonimmigrant’s status will be automatically extended when the derivative properly files for adjustment of status.

Where the approved derivative of a principal T nonimmigrant has not been issued a T visa by a consulate and entered the United States and the principal’s nonimmigrant status is soon to expire, the principal is strongly encouraged to seek an extension of status based on exceptional circumstances, making sure to indicate on the Form I-539 that the extension should also be applied to the derivatives, and then wait for the derivatives to enter the United States before applying for adjustment of status. This step will prevent expiration of the derivative T nonimmigrant status and the resulting ineligibility for adjustment of status.
U Nonimmigrants

The following information applies to U nonimmigrants afforded an extension of status during the pendency of an application for adjustment of status:

- To receive an extension of U nonimmigrant status based on the filing of an application for adjustment of status, the U nonimmigrant should file the Form I-485, Application to Register Permanent Residence or Adjust Status, with the Vermont Service Center. There is no need to file the Form I-539, Application to Extend/Change Nonimmigrant Status.
- All adjustment of status applications will be adjudicated according to the U adjustment regulation at 8 CFR 245.24.
- When a U nonimmigrant properly files for adjustment of status (which includes the requirement that the applicant hold U nonimmigrant status at the time of filing), USCIS will issue two Forms I-797, Notice of Action: a receipt notice for the application for adjustment of status and a notice of extension of the U nonimmigrant status.
- The extension of U nonimmigrant status will be valid until a decision is rendered on the pending Form I-485 and, during that time, the applicant will continue in valid U nonimmigrant status with all the associated rights, privileges, and responsibilities.
- While the Form I-485 is pending, any Employment Authorization Document (EAD) (including renewals) will be issued using the (c)(9) eligibility code. An applicant may file Form I-765, Application for Employment Authorization, concurrently with Form I-485.
- Derivative U nonimmigrants who properly file an application for adjustment of status will be issued two Forms I-797, as described above. Derivative U nonimmigrant status will not be extended based on the principal U nonimmigrant's pending I-485.

To be eligible to file for adjustment of status, a U nonimmigrant must be in valid U nonimmigrant status and may therefore require an extension of U nonimmigrant status. The INA allows for an extension of U nonimmigrant status based on law enforcement request or upon a determination that the extension is warranted due to exceptional circumstances. INA § 214(p)(6). The following information applies to U nonimmigrants seeking an extension of status based on law enforcement request or exceptional circumstances:

- To request an extension of U nonimmigrant status based on law enforcement request or exceptional circumstances, the principal U nonimmigrant should file Form I-539, Application to Extend/Change Nonimmigrant Status, along with supporting evidence, with the Vermont Service Center.
- If the principal U nonimmigrant wants the extension of status also to be applied to any derivative U nonimmigrant family members, the principal should clearly indicate that request in writing on the Form I-539.
- The Form I-539 should be filed before the U nonimmigrant status expires. However, if the U nonimmigrant can explain in writing why he or she is filing the Form I-539 after the U nonimmigrant status has expired, USCIS has discretion to grant an extension based upon on an untimely filed Form I-539 on a case-by-case basis.
- When a U nonimmigrant properly files a Form I-539, USCIS will issue two Forms I-797, Notice of Action: a receipt notice for the Form I-539 and, if the Form I-539 is approved,
a notice of extension of the U nonimmigrant status. This documentation will be issued to any derivative U nonimmigrants indicated in writing on the Form I-539.

- The extension of U nonimmigrant status based on law enforcement need or exceptional circumstances will be valid for one year from the date the U nonimmigrant status ends. In the case of an untimely Form I-539 filed after U nonimmigrant status has expired, the extension will be valid from the date the previous status expired and for one year from approval of the extension. During such period, the applicant will continue in valid U nonimmigrant status with all the associated rights, privileges, and responsibilities.

- Any Employment Authorization Document (EAD) (including renewals) will be issued using the (a)(19) eligibility code for principals and (a)(20) eligibility code for derivatives. An applicant may file Form I-765 concurrently with Form I-539.

The nonimmigrant bears the burden of establishing eligibility for an extension. In the case of law enforcement request, supporting evidence must include a new Form I-918 Supplement B, U Nonimmigrant Status Certification. In the case of exceptional circumstances, an applicant may submit an affirmative statement and any other credible evidence to establish exceptional circumstances.

_U Nonimmigrant Derivative Family Members_

Once a principal U nonimmigrant is no longer a U nonimmigrant, whether through adjustment of status to lawful permanent resident or through expiration of the U nonimmigrant status, any derivative U nonimmigrants will no longer be eligible for admission into the United States on a U visa. For example, if a principal U nonimmigrant did not file for adjustment of status and his or her status later expired as a result, any approved derivatives abroad would not be eligible for admission into the United States on a U visa. After admission into the United States as a derivative U nonimmigrant, derivative status may be extended beyond the expiration of the principal nonimmigrant’s status to ensure the derivative will accrue at least three years in U nonimmigrant status for purposes of adjusting status. See PM 602-0001.

To be eligible to apply for adjustment of status, a derivative U nonimmigrant must continue to hold U nonimmigrant status at the time of filing the application for adjustment of status. 8 CFR 245.24(b)(2). Accordingly, derivative U nonimmigrants are encouraged to file for adjustment of status concurrently with the principal U nonimmigrant to prevent expiration of the derivative U nonimmigrant status and the resulting ineligibility for adjustment of status. A derivative U nonimmigrant’s status will be automatically extended when the derivative properly files for adjustment of status.

Where the approved derivative of a principal U nonimmigrant has not been issued a U visa by a consulate and entered the United States and the principal’s nonimmigrant status is soon to expire, the principal can seek an extension of status based on exceptional circumstances, making sure to indicate on the Form I-539 that the extension should be applied to the derivatives as well, and then wait for the derivatives to enter the United States before applying for adjustment of status. This step will prevent expiration of the derivative U nonimmigrant status and the resulting ineligibility for admission into the United States. Alternatively, the principal U nonimmigrant
can file the Form I-929, Petition for Qualifying Family Member of a U-1 Nonimmigrant, concurrently or after approval of the principal’s Form I-485, for certain derivative family members who have never held derivative U nonimmigrant status. After approval of the Form I-929, the derivative can apply for a visa at a consulate to enter the United States as a legal permanent resident.

**Implementation**
The Adjudicator’s Field Manual (AFM) is revised as follows:

1. A new paragraph (g)(3) is added to Chapter 39.1 of the AFM to read:

**CHAPTER 39.1 U Nonimmigrants**

(g) **Duration of U Nonimmigrant Status.**

(3) **Procedures for Extension of Status**

(A) **Filing**

- The extension of status based on the pendency of an application for adjustment of status is automatic when the applicant files Form I-485.

- To request an extension of status based on law enforcement request or exceptional circumstances, the applicant files Form I-539.

- The Form I-539 should be filed before the U nonimmigrant status expires. However, if the U nonimmigrant can explain in writing why he or she is filing the Form I-539 after the U nonimmigrant status has expired, USCIS has discretion to grant an extension based upon on an untimely filed Form I-539 on a case-by-case basis.

(B) **Documentation**

- In general, when granting an extension of status, USCIS will issue a Form I-797, Notice of Action.

- The applicant continues in valid U nonimmigrant status with all the rights, privileges, and responsibilities provided to a U nonimmigrant.

- Extensions of status based on a pending application for adjustment of status will be valid until USCIS makes a final decision on the application for adjustment of status.

- Extensions of status based on law enforcement request or exceptional circumstances will be valid for a period of one year beginning on the date
U nonimmigrant status ends. In the case of an untimely Form I-539 filed after U nonimmigrant status has expired, the extension will be valid from the date the previous status expired and for one year from approval of the extension.

- Any EAD issued with the Form I-485 pending shall be issued using the (c)(9) eligibility code.
- Any EAD issued with the Form I-539 shall be issued using the (a)(19) or (a)(20) eligibility code, as applicable.
- Derivatives who properly file Form I-485, or when a principal files a Form I-539 requesting extension for derivatives in writing, will also be issued a Form I-797 in the same manner as the principal.

(C) Supporting evidence:

- If seeking an extension of status due to a law enforcement need, an applicant must submit a new Form I-918 Supplement B from law enforcement certifying the presence of the U nonimmigrant is necessary to assist in the investigation or prosecution of the qualifying criminal activity.
- If seeking an extension of status due to exceptional circumstances, an applicant may submit an affirmative statement and any other credible evidence.

2. A new paragraph (g)(3) is added to Chapter 39.2 of the AFM to read:

Chapter 39.2 T Nonimmigrants

(g) Duration of T Nonimmigrant Status.

(3) Procedures for Extension of Status.

(A) Filing

- The extension of status based on the pendency of an application for adjustment of status is automatic when the applicant files Form I-485.
- To request an extension of status based on law enforcement request or exceptional circumstances, the applicant files Form I-539.
- The Form I-539 should be filed before the T nonimmigrant status expires. However, if the T nonimmigrant can explain in writing why he or she is
filing the Form I-539 after the T nonimmigrant status has expired, USCIS has discretion to grant an extension based on an untimely filed Form I-539 on a case-by-case basis.

(B) Documentation

- In general, when granting an extension of status, USCIS will issue a Form I-797, Notice of Action.
- The applicant continues in valid T nonimmigrant status with all the rights, privileges, and responsibilities provided to a T nonimmigrant.
- Extensions of status based on a pending application for adjustment of status will be valid until USCIS makes a final decision on the application for adjustment of status.
- Extensions of status based on exceptional circumstances or a law enforcement need will be valid for a period of one year beginning on the date the T nonimmigrant status ends. In the case of an untimely Form I-539 filed after U nonimmigrant status has expired, the extension will be valid from the date the previous status expired and for one year from approval of the extension.
- Any EAD issued with the Form I-485 is pending shall be issued using the (c)(9) eligibility code.
- Any EAD issued with the Form I-539 shall be issued using the (a)(16) or (a)(25) eligibility code, as applicable.
- Derivatives who file Form I-485, or when a principal files a Form I-539 requesting extension for derivatives in writing, will also be issued a Form I-797 in the same manner as the principal.

(C) Supporting evidence:

- If seeking an extension of status due to law enforcement need, an applicant must submit a document from law enforcement, including a new Form I-914 Supplement B, certifying the presence of the T nonimmigrant is necessary to assist in the investigation or prosecution relating to human trafficking.
- If seeking an extension of status due to exceptional circumstances, an applicant may submit an affirmative statement and any other credible evidence.
3. The *AFM Transmittal Memoranda* button is revised by adding, in numerical order, the following entry:

| AD 11-28 [April 19, 2011] | Chapter 39.1(g)(3) and Chapter 39.2(g)(3) | Provides guidance regarding extensions of T and U nonimmigrant status for applicants for adjustment of status to lawful permanent residence |

**Use**

This PM is intended solely for the guidance of USCIS personnel in the performance of their official duties. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law or by any individual or other party in removal proceedings, in litigation with the United States, or in any other form or manner.

**Contact Information**

This guidance is effective immediately. Questions or suggestions regarding this PM should be addressed through appropriate channels to the Office of Policy and Strategy or the Office of Service Center Operations.
## Application for Travel Document

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

### Part 1. Information About You

<table>
<thead>
<tr>
<th>1.a. Family Name (Last Name)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.b. Given Name (First Name)</td>
<td></td>
</tr>
<tr>
<td>1.c. Middle Name</td>
<td></td>
</tr>
</tbody>
</table>

### Physical Address

<table>
<thead>
<tr>
<th>2.a. In Care of Name</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2.b. Street Number and Name</td>
<td></td>
</tr>
<tr>
<td>2.d. City or Town</td>
<td></td>
</tr>
<tr>
<td>2.e. State</td>
<td></td>
</tr>
<tr>
<td>2.f. Zip Code</td>
<td></td>
</tr>
<tr>
<td>2.g. Postal Code</td>
<td></td>
</tr>
<tr>
<td>2.h. Province</td>
<td></td>
</tr>
<tr>
<td>2.i. Country</td>
<td></td>
</tr>
</tbody>
</table>

### Other Information

| 3. Alien Registration Number (A-Number) |  |
| 4. Country of Birth |  |
| 5. Country of Citizenship |  |
| 6. Class of Admission |  |
| 7. Gender Male Female |  |
| 8. Date of Birth (mm/dd/yyyy) |  |
| 9. U.S. Social Security Number (if any) |  |

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Form I-131 03/22/13  N
Part 2. Application Type

1.a. □ I am a permanent resident or conditional resident of the United States, and I am applying for a reentry permit.

1.b. □ I now hold U.S. refugee or asylee status, and I am applying for a Refugee Travel Document.

1.c. □ I am a permanent resident as a direct result of refugee or asylee status, and I am applying for a Refugee Travel Document.

1.d. □ I am applying for an Advance Parole Document to allow me to return to the United States after temporary foreign travel.

1.e. □ I am outside the United States, and I am applying for an Advance Parole Document.

1.f. □ I am applying for an Advance Parole Document for a person who is outside the United States.

If you checked box "1.f." provide the following information about that person in 2.a. through 2.p.

2.a. Family Name (Last Name) □

2.b. Given Name (First Name) □

2.c. Middle Name □

2.d. Date of Birth (mm/dd/yyyy) □

2.e. Country of Birth □

2.f. Country of Citizenship □

2.g. Daytime Phone Number (□ □ □) □ □ - □ □

Physical Address (If you checked box 1.f.)

2.h. In Care of Name □

2.i. Street Number □


2.k. City or Town □

2.l. State □

2.m. Zip Code □

2.n. Postal Code □

2.o. Province □

2.p. Country □

Part 3. Processing Information

1. Date of Intended Departure (mm/dd/yyyy) □ 02/01/2015

2. Expected Length of Trip (in days) □ 30

3.a. Are you, or any person included in this application, now in exclusion, deportation, removal, or rescission proceedings? □ Yes □ No

3.b. If "Yes", Name of DHS office: □

If you are applying for a non-DACA related Advance Parole Document, skip to Part 7; DACA recipients must complete Part 4 before skipping to Part 7.

4.a. Have you ever before been issued a reentry permit or Refugee Travel Document? (If "Yes" give the following information for the last document issued to you):

□ Yes □ No

4.b. Date Issued (mm/dd/yyyy) □

4.c. Disposition (attached, lost, etc.): □
Part 3. Processing Information (continued)

Where do you want this travel document sent? (Check one)

5. □ To the U.S. address shown in Part 1 (2.a through 2.i.) of this form.

6. □ To a U.S. Embassy or consulate at:

6.a. City or Town

6.b. Country

7. □ To a DHS office overseas at:

7.a. City or Town

7.b. Country

If you checked "6" or "7", where should the notice to pick up the travel document be sent?

8. □ To the address shown in Part 2 (2.h. through 2.p.) of this form.

9. □ To the address shown in Part 3 (10.a. through 10.i.) of this form.

10.a. In Care of Name

10.b. Street Number and Name


10.d. City or Town


10.g. Postal Code

10.h. Province

10.i. Country

10.j. Daytime Phone Number (213) 333 - 2977

Part 4. Information About Your Proposed Travel

1.a. Purpose of trip. (If you need more space, continue on a separate sheet of paper.)

Please see attachment.

1.b. List the countries you intend to visit. (If you need more space, continue on a separate sheet of paper.)

Part 5. Complete Only If Applying for a Re-entry Permit

Since becoming a permanent resident of the United States (or during the past 5 years, whichever is less) how much total time have you spent outside the United States?

1.a. □ less than 6 months 1.d. □ 2 to 3 years
1.b. □ 6 months to 1 year 1.e. □ 3 to 4 years
1.c. □ 1 to 2 years 1.f. □ more than 4 years

2. Since you became a permanent resident of the United States, have you ever filed a Federal income tax return as a nonresident or failed to file a Federal income tax return because you considered yourself to be a nonresident? (If "Yes" give details on a separate sheet of paper.)

□ Yes □ No
Part 6. Complete Only If Applying for a Refugee Travel Document

1. Country from which you are a refugee or asylee:

If you answer "Yes" to any of the following questions, you must explain on a separate sheet of paper. Include your Name and A-Number on the top of each sheet.

2. Do you plan to travel to the country □ Yes □ No

Since you were accorded refugee/asylee status, have you ever:

3.a. Returned to the country named above? □ Yes □ No

3.b. Applied for and/or obtained a national passport, passport renewal, or entry permit of that country? □ Yes □ No

3.c. Applied for and/or received any benefit from such country (for example, health insurance benefits)? □ Yes □ No

Since you were accorded refugee/asylee status, have you, by any legal procedure or voluntary act:

4.a. Reacquired the nationality of the country named above? □ Yes □ No

4.b. Acquired a new nationality? □ Yes □ No

4.c. Been granted refugee or asylee status in any other country? □ Yes □ No

Part 7. Complete Only If Applying for Advance Parole

On a separate sheet of paper, explain how you qualify for an Advance Parole Document, and what circumstances warrant issuance of advance parole. Include copies of any documents you wish considered. (See instructions.)

1. How many trips do you intend to use this document? □ One Trip □ More than one trip

If the person intended to receive an Advance Parole Document is outside the United States, provide the location (City or Town and Country) of the U.S. Embassy or consulate or the DHS overseas office that you want us to notify.

2.a. City or Town

2.b. Country

If the travel document will be delivered to an overseas office, where should the notice to pick up the document be sent?:

3. □ To the address shown in Part 2 (2.b. through 2.p.) of this form.

4. □ To the address shown in Part 7 (4.a. through 4.i.) of this form.

4.a. In Care of Name

4.b. Street Number and Name


4.d. City or Town


4.g. Postal Code

4.h. Province

4.i. Country

4.j. Daytime Phone Number ( □ ) □ □ - □
Part 8. Signature of Applicant (Read the information on penalties in the Form instructions before completing this Part.) If you are filing for a Re-entry Permit or Refugee Travel Document, you must be in the United States to file this application.

1.a. I certify, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it is all true and correct. I authorize the release of any information from my records that U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit I am seeking.

Signature of Applicant

1.b. Date of Signature (mm/dd/yyyy) ▶ 10/6/2014

2. Daytime Phone Number ()

NOTE: If you do not completely fill out this form or fail to submit required documents listed in the instructions, your application may be denied.

Part 9. Information About Person Who Prepared This Application, If Other Than the Applicant

NOTE: If you are an attorney or representative, you must submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, along with this application.

Preparer's Full Name

Provide the following information concerning the preparer:

1.a. Preparer's Family Name (Last Name)

1.b. Preparer's Given Name (First Name)

2. Preparer's Business or Organization Name

Preparer's Contact Information

4. Preparer's Daytime Phone Number

5. Preparer's E-mail Address (if any)

Declaration

To be completed by all preparers, including attorneys and authorized representatives: I declare that I prepared this benefit request at the request of the applicant, that it is based on all the information of which I have knowledge, and that the information is true to the best of my knowledge.

6.a. Signature of Preparer

6.b. Date of Signature (mm/dd/yyyy) ▶ 10/6/2014

NOTE: If you require more space to provide any additional information, use a separate sheet of paper. You must include your Name and A-Number on the top of each sheet.
ATTACHMENT TO I-131, APPLICATION FOR TRAVEL DOCUMENT FOR

Part 7:

I qualify for an advance parole document as an adjustment of status applicant. I may need to travel abroad while my adjustment of status is pending. In the event that I need to travel, I will need an advance parole document to be able to return to the United States and to avoid abandoning my adjustment of status application.