

* **DISCLAIMER:** The International Scholars Office (ISchO) provides the following information as a courtesy to its applicants for employment-based permanent residence sponsored by the Massachusetts Institute of Technology (MIT) only. It is not intended for use by other individuals.

This information does not constitute legal advice. The adjustment of status application and the forms listed below are personal in nature. They must be prepared by you or your immigration attorney and not by MIT. It is your personal choice whether or not to retain an immigration attorney for help with the adjustment of status process. The ISchO is able to tell you how to locate qualified immigration attorneys, if desired. **U.S. Citizenship and Immigration Services (USCIS) forms and fees are subject to change without notice.** Contact your attorney if you have any questions or encounter a problem with any of these application forms.

INSTRUCTIONS: APPLYING FOR ADJUSTMENT OF STATUS

You may apply to adjust your status from nonimmigrant to permanent resident if an immigrant visa number is immediately available to you. You may check your eligibility in the U.S. Department of State monthly *Visa Bulletin*. To obtain a copy of the Visa Bulletin or to subscribe to receive updates see: http://travel.state.gov/visa/frvi/bulletin/bulletin_1360.html.

As long as an immigrant visa number is available, you and your spouse and children under 21 years of age are able to submit adjustment of status applications to USCIS. The adjustment applications may be filed “concurrently” with MIT’s Form I-140 petition for permanent residence, while MIT’s I-140 petition is “pending,” or following “approval” of the I-140.

Separate adjustment of status applications must be submitted for each qualifying member of your family, but these application packets should be mailed to USCIS in the same envelope. Following is a list of the forms and documentation to be submitted to USCIS:

_____ **Form I-485**, “Application to Register Permanent Residence or Adjust Status.”

Type forms, or use a dark pen to print clearly. Complete all items. The response “none” or “N/A” is preferred to a blank space. Attach fee check(s) for the adjustment of status application on the very top of each I-485, for each application package.

Complete “Address” in Part 1 using an address where final permanent residence card should be mailed. If you change address while your application is pending, you must inform USCIS. (If the post office is not able to deliver the card to the address in your file, it will be returned to USCIS and will not be forwarded to a forwarding address).

A# (if any): There may be an “A” number listed on an I-797 you received from USCIS in the past. Or, you may not have an A#. Note that the A# on an EAD card is NOT an Alien #. If you are uncertain, leave this item blank, put “unknown” or consult your attorney.

Part 2:

-If a previously filed Form I-140 has been **approved**, check box #2a on your form and #2b on your spouse’s and children’s forms.

-If you are **filing concurrently** with MIT's Form I-140, check box #2h and write on the line provided "Form I-140 is being **filed concurrently** with this application." Check box #2b on spouse's and children's forms.

-If Form I-140 **has already been sent and is pending**, check box #2h and write on the line provided "Form I-140 currently pending, Receipt No. _____." (write the receipt number listed on the I-140 Receipt Notice) and check box #2b on spouse's and children's forms.

Part 3, Section A — The "visa number" is the control number typed in **black** on the visa stamp in your passport.

Part 3, Section C — only political affiliations need be listed, but professional affiliations may be included. Follow your attorney's advice.

Part 3, Page 3. These important questions are used to exclude people from permanent residence. Answers must be accurate. If you find that you must answer "yes" to any of the questions in this section, *consult an immigration attorney* immediately for advice.

Filing fee of \$1010 for each adult's Form I-485. This includes the fingerprint fee. For children under 14, the fee is \$600. Personal checks, certified bank checks, or money orders payable to *Department of Homeland Security* are acceptable.

NOTE: USCIS will send you a notice in future, informing you when to report to the local USCIS office to have your fingerprints taken.

Photographs:

- Two color photographs conforming to USCIS specifications must be submitted with the I-485 (see link to photo specifications on previous web page). Self-service photo booth photos are unacceptable. No eyeglasses or jewelry are permitted. Write last name on back of photos in pencil. Place photos in an envelope marked "photos" and attach the envelope to the application. Do not staple through photos.

[Two photographs of the same kind are required for each application for Advance Parole (travel) and employment authorization (EAD). Please see link to I-765 and I-131 checklists on previous web page.]

Form I-693: Medical examinations and immunizations (This form will be provided by the physician.). A medical exam by a USCIS-designated physician is a required part of the adjustment process. Note that separate exams and forms are required for the scholar and for each family member. It is important to schedule medical appointments as early as possible, since there may be a wait.

You may get some the required immunizations and medical tests from your regular health care provider, particularly if you are covered by an MIT health plan. This would reduce overall costs. Doctors at MIT Medical are not USCIS-designated physicians. To be sure results will be accepted, discuss details with the USCIS-designated physician's office. Be sure to bring official results/records from your health care provider with you to the USCIS-designated physician's office.

To find a USCIS-designated civil surgeon who can conduct medical examinations for adjustment of status applicants, please see the following website:

https://egov.uscis.gov/crisgwi/go?action=offices.type&OfficeLocator.office_type=CIV.

Be sure to do a search on Boston, MA as well as Cambridge, MA because there is only one authorized civil surgeon in Cambridge.

To read more about the exam, tests, and immunizations required, you may read the web sites of independent doctors and hospitals such as:

<http://Immigrationphysicals.com/Examination-Requirements.html>

http://www.stelizabeth.com/services/business_health/immigration

<http://www.floridaimmigrationdoc.com/faqs.php>

_____ **A brief letter from your department, lab or center** stating your MIT title, salary, and the starting date of your employment. The letter should be addressed “To Whom It May Concern.”

_____ **Form I-134: “Affidavit of Support.”**

This form is to be enclosed only in the application of your dependents applying for adjustment of status. You do not enclose this form in your own application. **If you have no dependent family members applying for adjustment of status, you do not need to complete this form.**

For each dependent family member’s adjustment application, you must enclose an original I-134 Form. To each Form I-134, the following documents should be attached:

- (1) A copy of a recent bank statement showing your current balance;
- (2) A copy of the brief letter from your department about your employment (see above)

Each I-134 must have an *original* signature. However, do not sign the form(s) until you are in the presence of a notary.

Tips for completing I-134. Complete the spaces that ask for your date and place of birth. When completing the section which begins “If you are not a native born US citizen...” note that none of the selections a., b., c., or d. applies to you. Therefore, **hand-write** your current status in pen. For example, “H-1B, applying for adjustment of status.”

_____ **Form G-325A, “Biographic Information.”** This form contains 4 separate numbered (1-4) pages. All four pages are required for each G-325, for each adult. This form is not required for children under 14 years old.

_____ **Certification of Copies form** (see link on previous web page)

_____ **Photocopy of the birth certificate** for each applicant, translated if not in English. You should have the original(s) available to you in the U.S. in case they are asked for at some future time. Do not send originals to USCIS.

_____ **If you are married** and your spouse is also filing for adjustment, a photocopy of your marriage certificate or license, translated if not in English. Final divorce papers are also

required if either you or your spouse have been divorced. You should have the original(s) available to you in the U.S. in case they are asked for at some future time. Do not send originals to USCIS. See translation guidelines or consult your immigration attorney.

_____ **A photocopy of Form I-797**, If MIT has already sent form I-140 on your behalf, each adjustment of status packet, for each member of the family, should include a copy of this form. A copy should have been given to you by the ISchO. If you are filing Forms I-140 and I-485 “concurrently,” you will not yet have this form.

_____ **A photocopy of Form I-94** (front and back even if the back is blank), the white “Arrival/Departure” card stapled into your passport.

_____ **“Summary of Visa Status and Employment in the U.S.” form** (see link on previous web page)

_____ **Photocopy of passport** for self and any family members: pages containing issuance and expiration dates, personal data, photo, and any U.S. visa stamps.

_____ **Photocopies of all current and past nonimmigrant visa documents**, i.e. Forms IAP-66 or DS-2019, I-20, I-797 approval notices for changes of status to H-1B, J-1, etc., USCIS waiver of two-year home country residence requirement, etc.

_____ **Form I-765, “Application for Employment Authorization.”** (Your choice whether or not to apply for this)

See “Permission to Work and Travel” links on previous web page for full instructions. You may or may not decide to file this form with USCIS. If you wish, you may consult an immigration attorney. Your spouse may also request work authorization at this time on a separate Form I-765. This form no longer requires a separate filing fee, (as long as the Form I-485 was filed or is being filed after July 30, 2007).

_____ **Form I-131, “Application for Travel Document (Advance Parole)** (Your choice whether or not to apply for this)

See “Permission to Work and Travel” links on previous web page for full instructions. You may or may not decide to file this form with USCIS. If you wish, you may consult an immigration attorney. Your dependents may also request travel documents at this time on separate Forms I-131. This form no longer requires a separate filing fee, (as long as the Form I-485 was filed or is being filed after July 30, 2007).

Travel: Unless you and your dependents are in H nonimmigrant status, you must obtain USCIS travel document(s) prior to travel outside the United States while your adjustment of status is pending. Consult the additional Permission to Work and Travel links on previous web page. Discuss your particular situation with your lawyer. You may apply for Advance Parole when you apply for adjustment or you may apply at a later date.

Preparing the Application for Mailing

NOTE: Keep a copy of all documents (application forms, attachments, checks, etc) to ensure that you can quickly submit a duplicate if the original is lost or if you need to bring an error to USCIS’ attention.

Assemble a separate application set for each person (you, your spouse and each child) in the order listed below, and secure each set by a large clip or rubber band, not staples. Mail all application sets to USCIS in the same envelope.

1. Fee Payment: Place the check(s) or money order(s) (for \$930 filing fee + \$80 fingerprint fee) together on the top left of each Form I-485. Do not send cash. Only money orders, personal checks or cashiers checks payable to *Department of Homeland Security* are acceptable.
2. Form I-485 with photos in attached envelope (may use paperclip)
3. Copy of Form I-797 (USCIS receipt or approval notice for MIT's I-140 petition, if applicable)
4. Form I-134 for each dependent family member (if applicable)
5. Verification of employment letter from your Department
6. Copy of bank statement
7. Envelope containing SEALED medical report, Form I-693
8. Form G-325A (all four pages)
9. Certification of Copies form
10. Photocopy of birth certificate (with English translation, if needed)
11. If married, proof of marriage license (with English translation, if needed). Proof of divorce, if applicable (with English translation, if needed)
12. Summary of Visa Status and Employment in the U.S. form
13. Copy of passport pages and immigration documentation in chronological order – most recent first.
14. Form I-765 (optional), with required attachments and photos. Fee payment check or money order should be attached to the top of the I-765 application package.
15. Form I-131 (optional) with required attachments and photos. Fee payment check or money order should be attached to the top of the I-131 application package.

New Mailing Address for Employment-Based Adjustment of Status Applications:

- **When mailing Form I-485 packages (concurrently with I-140) via regular mail** (including Forms I-765 and I-131, if applicable), send to the Texas Service Center at:

USCIS
Texas Service Center
P.O. 851804
Mesquite, TX 75185 -1804

- **When mailing the I-485 packages (concurrently with I-140) via express mail (DHL, FedEx, etc.),** the following street address must be used:

USCIS
Texas Service Center
4141 North St. Augustine Road
Dallas, TX 75227

Telephone: 1-800-375-5283

- **When Form I-485 is Filed Separately from the Form I-140:** If Form I-140 is already pending or approved, the I-485 package for the principal and accompanying dependents should be mailed to the Service Center **where the I-140 was sent** (as specified on the Form I-140 Receipt Notice, or on a subsequent transfer notice, if the case was transferred). That will be either the Nebraska Service Center or the Texas Service Center. Include a copy of the USCIS I-140 receipt notice or approval notice, and transfer notice.

Please Let the ISchO Know:

1. The date you mailed your I-485 packet is mailed to USCIS (e-mail pennysun@mit.edu or ruizvn@mit.edu)
2. In 2-4 weeks you will receive from USCIS a receipt for the application. **Provide a copy** of the receipt to the ISchO at Room 4-105.
3. Later, you will receive a notice to appear at Boston USCIS to have your fingerprints taken. Follow all instructions on the notice.
4. If you are granted an EAD (work authorization card), please inform the International Scholars Office if/when you begin using the EAD to work and provide us copy of the EAD card.
5. You should receive an I-797 approval notice for your Adjustment of Status application in 18-24 months. You will receive the approval notice (I-797 Notice of Action) from U.S. Citizenship and Immigration Services telling you that your adjustment of status has been approved. It will say that your permanent resident card will be mailed to you. If you have not yet received the permanent residence card and you need to travel, please contact the ISchO. We have instructions about how to get a permanent resident *stamp* in your passport while you wait for the permanent resident card to arrive.

**** Please provide a copy of the stamp or the permanent resident card to the ISchO upon receipt** so that we may close your nonimmigrant record and notify Personnel, Payroll and your employing unit of your change to permanent resident status. At that time, our office will provide you important information on how to maintain your permanent resident status.

ADJUSTMENT OF STATUS APPLICANTS: IMMUNIZATIONS

As a result of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, all people filing for permanent resident status must provide evidence of certain immunizations. This requirement applies to people who are applying to adjust from non-immigrant to immigrant status here in the U.S. as well as people applying from overseas at a U.S. consular post for an immigrant visa with which to re-enter the U.S.

Required Vaccines: The law requires each individual applying for immigrant status (including family members) to present documentation of vaccination against **mumps, measles, rubella, polio, tetanus and diphtheria toxoids, pertussis, influenza type B, and hepatitis B**, and any other vaccinations against vaccine-preventable diseases recommended by the Advisory Committee for Immunization Practices (ACIP). The ACIP guidelines include **the varicella, haemophilus influenza type B, and pneumococcal vaccines**. Documentation of vaccination against these diseases must also be presented, as appropriate. Please note that the appropriateness of each vaccination for each applicant can only be determined by a qualified medical doctor and will be assessed based on factors such as age, season, etc.

Provisions for a waiver of the vaccination requirements have been made for those who do not wish to comply on the grounds of “religious belief or moral conviction” or for valid medical reasons. You may wish to discuss this with the INS-approved physician during your medical exam.

It is important to obtain a record of vaccinations you have had previously **prior** to visiting the INS-approved civil surgeon who will be giving you the medical examination for your Adjustment of Status application, and who will complete a Form I-693 Supplement concerning vaccinations. An English translation must accompany any vaccination records that are not in English.

If you are lacking any of the immunizations that are considered to be both required and appropriate for you, and do not qualify for a waiver, you will be required to get those specified by the civil surgeon. Immunizations may be done by the civil surgeon giving you your medical exam, or by your personal physician. Please note that having your own physician do this is likely to be less expensive for you. Your doctor would then provide you with updated records to provide to the civil surgeon. **In case of any doubt, we recommend that you wait to obtain any additional immunizations until after you have your appointment with the civil surgeon, to be absolutely certain as to what is necessary. You can then return with additional paperwork, if needed.**