

# I-698, Application to Adjust Status From Temporary to Permanent Resident (Under Section 245A of the INA)

## Instructions

### I. Purpose of This Form.

This form is used by a person who was granted temporary residence under section 245A of the Immigration and Nationality Act (INA) to apply to the U.S. Citizenship and Immigration Services (USCIS) to adjust to permanent resident status. The application is made pursuant to section 245A, of the INA, as amended by the Immigration Reform and Control Act of 1986 and section 902 of the U.S. Department of State Authorization Bill of 1987.

### II. Eligibility Requirements.

**A.** In order to be found eligible for permanent residence under section 245A you must:

- (1) Apply for such adjustment during the one year period beginning with the 19th month that begins after the date you were granted such temporary resident status.
- (2) Reside continuously in the United States—that is, since becoming a temporary resident alien no single absence from the United States exceeded 30 days, or the total of all absences exceeded 90 days.

If you are absent from the United States for more than 30 days, or for more than 90 days in the aggregate, during the period for which continuous residence is required for adjustment to permanent residence, you will break the continuity of your residence unless you can establish to the satisfaction of USCIS that you did not, in fact, abandon your residence in the United States during that period.

- (3) Be found admissible to the United States as an immigrant, except as otherwise provided in the provisions of sections 212(a)(5)(A) or (B), 212(a)(7)(A) or (B), 212(a) of the INA;
- (4) Have not been convicted of any felony or three or more misdemeanors committed in the United States;
- (5) Be able to demonstrate that you either:
  - (a) Meet the requirements of Section 312 of the INA, as amended (relating to a minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States, or
  - (b) Are satisfactorily pursuing a course of study recognized by the Secretary of Homeland Security to achieve such understanding of English and such knowledge and understanding of the history and government of the United States. You can obtain additional information about available courses by contacting your local USCIS district office.

### III. Documentary Requirements.

#### A. Medical Examination.

A medical examination form (I-693) is required only for those applicants who were not given a serologic test for human immunodeficiency virus (HIV) infection as part of their medical examination when applying for temporary residence.

If you are 15 years of age or older and your medical examination for temporary residence did not include a serologic test for HIV, you should choose a doctor from a list of doctors or clinics in your area that have been approved by USCIS to perform medical examinations and make arrangements with the doctor or clinic to have a serologic test for HIV.

**NOTE:** If you must comply with this requirement, you do not have to undergo another complete medical examination. The medical examination form needs only to reflect the results of the serologic test.

#### B. Photographs.

Submit with the application a passport-style color photograph of yourself taken within thirty 30 days of the date of the application. Two additional identical color photographs will be required at the time of the interview. Do not send the two additional photographs with your Form I-698 application.

The photos must have a white background, be glossy, unretouched and not mounted. You must be shown in the photos in a full- frontal position. The dimension of the facial image should be about one inch from your chin to the top of your hair. Your name and Alien Registration Number ( A#) file number should be written lightly in pencil on the back of the photographs.

#### C. Name Changes.

If your name has changed, you must submit a certified copy of the decree of the court or marriage certificate as appropriate. A married woman may file her application under either her maiden or current married name.

#### D. Copies.

If these instructions tell you to submit a copy of a particular document, you should send a copy. If there are stamps, remarks, notations, etc., on the back of the original document(s), also provide a copy of the back of the document(s).

If you choose to send an original document, you should also submit a copy so USCIS can return the original to you. If you do not provide a copy along with the original, USCIS will attach the original document to your petition and the original document may not be returned to you.

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There are times when USCIS must request an original copy of a document. In that case, the original is generally returned after it has been reviewed.

If you are interviewed, however, the original documents must be presented whenever possible at that time except for the following: official government records; employment or employment related records maintained by employers, unions or collective bargaining organizations; medical records; school records maintained by a school or school board; or other records maintained by a party other than the applicant.

Copies of these records must be endorsed as true and correct and must bear the signature and title of persons authorized to act on their behalf. All certified copies of documents become the property of the USCIS. At the discretion of a USCIS district director, original documents, even if accompanied by certified copies, may be temporarily retained.

**NOTE:** It is recommended that you retain copies of your application and supporting documents for your records.

## **E. Documents in a Foreign Language.**

Any document in a foreign language must be accompanied by a full translation into English. The translator must certify that he or she is competent to translate the document into English and that the translation is accurate.

## **IV. Application Process.**

### **A. Who Must File an Application?**

A separate application must be filed by each applicant. Applications must be typed or clearly printed in black ink and completed in full. If extra space is needed to answer an item, attach a continuation sheet and indicate your name, A90 number and the item number.

### **B. Interview.**

Interviews will take place at selected USCIS offices throughout the United States. It is important that you bring your "appointment for interview notice" and any other requested information to the interview. You must also bring your Form I-688, Temporary Resident Card, to the interview. If your application is approved, your Form I-698 will be modified to reflect temporary evidence of permanent residence until such time as you receive your Form I-551, Permanent Resident Card, through the mail.

## **V. Confidentiality.**

As in the temporary resident application process, the information provided in your permanent resident application is strictly confidential and may only be used to make a determination on the application or for the enforcement of penalties for false statements. The information provided is subject to verification by USCIS.

The authority to require you to file this form is contained in the Immigration Reform and Control Act of 1986. The information is necessary to determine whether you are eligible for permanent resident status. All questions on the form must be answered. Failure to answer any question may result in a processing delay or denial of the application.

## **VI. Penalties for False Statements.**

Whoever files an application for adjustment of status under Section 245A of the Act and who knowingly and willfully falsifies, misrepresents, conceals or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry will be subject to criminal prosecution.

## **VII. Relief From Job Discrimination.**

Section 274B of the Immigration and Nationality Act prohibits discrimination in employment hiring and firing based on an individual's national origin or citizenship status.

For additional information concerning immigration related unfair employment, contact the U.S. Department of Justice Office of Special Counsel for Immigration Related Unfair Employment Practices by mail at P.O. Box 65490 Washington, D.C. 20035-7688 or by telephone at **1-800 255-7688** or **202-653-8121**; or **202-653-5710** for the hearing impaired.

## **VIII. Fee.**

A fee of **\$135.00** for each Form I-698 application is required at the time of filing with USCIS, provided the application is filed within 31 months from the date of adjustment to temporary residence. The maximum amount payable by a family (husband, wife and children under 18 years of age, all living in the same household) is **\$405.00**.

**NOTE:** For applicants filing after 31 months from the date of approval of temporary status, a fee of **\$175.00** (a maximum of **\$525.00** per family) is required. The adjustment date is the date of filing the application for permanent residence or the applicant's eligibility date, whichever is later.

Fees are not refundable regardless of the action taken on the application. All fees must be in the form of a U.S. postal money order, money order or bank check. Cash or personal checks of any type will not be accepted.

All money orders and bank checks must be made payable to the **Department of Homeland Security**. **Do not** use the initials DHS or USDHS. You will receive a fee receipt after your application is received and processed by USCIS. Any stop payment action taken by you or your representative will cause the USCIS to terminate action on the application.

## **IX. Where to File This Application.**

If you send this application via the U. S. Postal Service, mail it to the following address:

**U.S.Citizenship and Immigration Services  
P.O. Box 805887  
Chicago, IL 606-80-4120**

If you send this application through any other means, mail it to the following address:

**U.S. Citizenship and Immigration Services  
427 S. LaSalle, 3rd Floor  
Chicago, IL 606-80-4120**

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## **X. Our Authority for Collecting Information.**

The authority to prescribe this form is contained in the Immigration Reform and Control Act of 1986. The information is necessary to determine whether a person is eligible for the immigration benefit sought. Information on race is requested in **Question 10** on the form for statistical purposes only. You do not have to give this information. All other questions must be answered. Failure to do so may result in the denial of your application.

## **XI. USCIS Forms and Information.**

To order USCIS forms, call our toll-free forms line at **1-800-870-3676**. You can also get USCIS forms and information laws, regulations and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our internet website at **www.uscis.gov**.

## **XII. Use InfoPass for Appointments.**

As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our internet-based system, InfoPass. To access the system, visit our website at [www.uscis.gov](http://www.uscis.gov). Use the InfoPass appointment scheduler and follow the screen prompts to set up your appointment. InfoPass generates an electronic appointment notice that appears on the screen. Print the notice and take it with you to your appointment. The notice gives the time and date of your appointment, along with the address of the USCIS office.

## **XIII. Reporting Burden.**

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. Accordingly, the reporting burden for this collection of information is estimated to be one hour per response. This estimate includes the time required to learn about the form, complete the form, and assemble and mail the application. If you have comments regarding the accuracy of this estimate or suggestions for making this form simpler, you can write to the U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., Washington, DC 20529. **Do not mail your completed application to this address.**

**I-698, Application to Adjust Status  
From Temporary to Permanent Resident  
(Under Section 245A of the INA)**

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

**Do not write in this block - For USCIS use only.**

Action	Fee Stamp
	Applicant's A# A -9

**START HERE - Please type or print in black ink.** If you need more space, use a separate sheet(s) of paper.

<b>1. Name</b>			<b>2. Gender</b>	
Family Name (in capital letters)	Given Name	Middle Name		
<input style="width:90%;" type="text"/>	<input style="width:90%;" type="text"/>	<input style="width:90%;" type="text"/>	<input type="checkbox"/> Male <input type="checkbox"/> Female	

<b>3. Name as it appears on Temporary Resident Card (Form I-688)</b>	<b>5. Telephone Numbers (Include Area Codes)</b>
<input style="width:95%;" type="text"/>	Home: <input style="width:150px;" type="text"/> Work: <input style="width:150px;" type="text"/>

**4. Reason for difference in name, for example, marriage, divorce.**

**6. Home Address in the United States.**

In care of

Number and Street  Apt. #

City  State  Zip Code

**7. Mailing Address in the U.S. (if different from address in **Number 6** above.)**

In care of

Number and Street  Apt. #

City  State  Zip Code

**8. Place of Birth**

City or Town  County, Province or State  Country

<b>9. Date of Birth (mm/dd/yyyy)</b>	<b>10. Your Mother's First Name</b>	<b>11. Your Father's First Name</b>	<b>12. Your U.S. Social Security #</b>
<input style="width:95%;" type="text"/>	<input style="width:95%;" type="text"/>	<input style="width:95%;" type="text"/>	<input style="width:95%;" type="text"/>

**13. Absences from the United States since becoming a temporary resident alien. List most recent absence first. If you have a single absence in excess of 30 days or if the total of all your absences exceeds 90 days, explain and attach any relevant information.**

Country	Purpose of Trip	From (mm/dd/yyyy)	To (mm/dd/yyyy)	Total Days Absent

**14. When applying for temporary resident status, I  did  did not submit a medical examination form (I-693) with my application that included a serologic (blood) test for human immunodeficiency virus(HIV) infection. (If you did not, submit with this application a medical examination form (I-693) that includes a serologic test for HIV.)**

**15. Since becoming a temporary resident alien, I  have  have not been arrested, convicted or confined in a prison. (If you have, provide the date(s), place(s), specific charge(s) and attach any relevant information.)**

**16. Since becoming a temporary resident alien, I  have  have not been the beneficiary of a pardon, amnesty (other than legalization), rehabilitation decree, other act of clemency or similar action. (If you have, explain and attach any relevant information.)**

**17. Since becoming a temporary resident alien, I  have  have not received public assistance from any source, including, but not limited to, the U. S. Government, any state, county, city or municipality. (If you have, explain, including the name(s) ) and U.S. Social Security Number(s) used and attach any relevant information.)**

**18. Concerning the requirement of minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States: (Check appropriate block under **Section A** or **B**).**

**A. I will satisfy these requirements by;**

- Examination at the time of interview for permanent residence.
- Satisfactorily pursuing a course of study recognized by the Secretary of Homeland Security.

**B. I have satisfied these requirements by;**

- Having satisfactorily pursued a course of study recognized by the Secretary of Homeland Security. (Please attach appropriate documentation.)
- Exemption, in that I am 65 years of age or older, under the age of 16, or I am physically unable to comply. (If you are physically unable to comply, explain and attach relevant documentation.)

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19. Applicants for temporary resident status pursuant to section 245A of the Immigration and Nationality Act must establish that they are admissible under section 212(a) of the INA. In determining the admissibility of an applicant, the provisions of sections 212(a)(5) and 212(2)(a)(7)(A) of the INA shall not apply to applicants for adjustment of status as lawful temporary or permanent resident under section 245A of the INA.

A. The following grounds of inadmissibility **may not** be waived by the Secretary of Homeland Security:

- (i) Section 212(a)(2)(A)(i)(I) (crimes involving moral turpitude);
- (ii) Section 212(a)(2)(A)(i)(II) (crimes involving controlled substances, except for so much of such paragraph as relates to a single offense of simple possession of 30 grams or less of marijuana);
- (iii) Section 212(a)(2)(B) (multiple criminal convictions);
- (iv) Section 212(a)(2)(C) (controlled substance traffickers);
- (v) Section 212(a)(3) (security and related grounds); and
- (vi) Section 212(a)(4) (public charge). **Except**, this prohibition does not apply to an alien who is or was an aged, blind or disabled individual (as defined in section 1614(a)(1) of the Social Security Act. An alien is not ineligible for adjustment of status due to being inadmissible under section 212(a)(4) if the alien demonstrates a history of employment in the United States evidencing self-support without receipt of public cash assistance.

B. The following grounds of inadmissibility **may** be waived by the Secretary of Homeland Security for humanitarian purposes, to assure family unity or when it is in the public interest. In order to seek a waiver of these provisions, you must submit a Form I-690, Application for Waiver of Grounds of Excludability.

**212(a)(1) Health related grounds.** In general, any alien who

- 212(a)(1)(A) (i) is determined to have a communicable disease of public health significance, which shall include infection with the etiologic agent for acquired immune deficiency syndrome;
- (ii) except as provided in subparagraph (C), who has failed to present documentation of having received vaccination against vaccine-preventable diseases, included at least: mumps, measles, rubella, polio tetnus and diphtheria toxoids, pertussis influenza type B and hepatitis B, and any other vaccinations against vaccine preventable diseases;
  - (I) have a physical or mental disorder and behavior associated with the disorder that may pose, or has posed, a threat to the property, safety, or welfare of the alien or others, or
  - (II) have had a physical or mental disorder and a history of behavior associated with the disorder, which behavior has posed a threat to the property, safety, or welfare of the alien or others and which behavior is likely to recur or to lead to other harmful behavior, or
  - (iv) who is determined to be a drug abuser or addict.

**212(a)(2) Criminal and related grounds.**

- (A)(i)(II) An alien convicted of a violation of (or a conspiracy or attempt to violate any law or regulation of a State, the United States, or a foreign country relating to a controlled substance, **only** as it relates to a single offense of simple possession of 30 grams of marijuana.
- (D)(i) Aliens coming to the United States solely, principally or incidentally to engage in prostitution, or has engaged in prostitution within ten years of the date of application for a visa, admission or adjustment of status.
- (D)(ii) An alien who directly or indirectly procures or attempts to procure or (within ten years of the date of application for a visa, admission, or adjustment of status) procured or attempted to procure or to import, prostitutes or persons for the purpose of prostitution, or receives or (within such ten-year period) received, in whole or in part, the proceeds of prostitution.
- (D)(iii) An alien who is coming to the United States to engage in any other unlawful commercialized vice, whether or not related to prostitution.
- (E) Certain aliens involved in serious criminal activity who have asserted immunity from prosecution.
- (H) Significant traffickers in persons.
  - (i) Any alien who is or has been a knowing aider, abettor, assister, conspirator or colluder with such a trafficker in severe forms of trafficking in persons.

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(ii) An alien who is the spouse of an alien inadmissible under section (i), above, who has, within the previous five years, obtained any financial or other benefit from the illicit activity of that alien, and knew or reasonably should have known that the financial or other benefit was the product of such illicit activity. Except,

(iii) Clause (ii) shall not apply to a son or daughter who was a child at the time he or she received the benefit described in clause (ii).

(I) Any alien who (i) has engaged, is engaging or seeks to enter the United States to engage in the laundering of monetary instruments; or (ii) has been a knowing aider, abettor, assister, conspirator or colluder with others in such offense.

**212(a)(4) Public charge.**

The ground of inadmissibility may be waived only for an alien who is or was an aged, blind, or disabled individual as defined in section 1614(a) (1) of the Social Security Act. An alien is not inadmissible under section 212(a)(4) if the alien demonstrates a history of employment in the United States evidencing self-support without receipt of public cash assistance.

**212(a)(6) Illegal entrants and immigration violators.**

(A)(i) An alien present in the United States without being admitted or paroled, or who arrives in the United States at any time or place other than as designated by the Secretary.

212(a)(6)(A)(ii) provides an exception for certain battered women and children. Clause (i) above shall not apply to an alien who (a) has been battered or subject to extreme cruelty by a spouse or parent, or by a member of the spouse's or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, or (b) the alien's child has been battered or subjected to extreme cruelty by a spouse or parent of the alien (without the active participation of the alien in the battery or cruelty) or by a member of the spouse's or parent's family residing in the same household as the alien when the spouse or parent consented to or acquiesced in such battery or cruelty and the alien did not actively participate in such battery or cruelty, and there was a substantial connection between the battery or cruelty described and the alien's unlawful entry into the United States.

(B) An alien who without reasonable cause fails or refuses to attend a proceeding to determine the alien's inadmissibility or deportability and who seeks admission to the United States within five years of such alien's subsequent departure or removal.

(C)(i) Aliens who have procured or have attempted to procure a visa or other documentation by fraud, or by willfully misrepresenting a material fact.

(C)(ii) An alien who falsely represents, or has falsely represented, himself or herself to be a citizen of the United States for any benefit under the Immigration and Nationality Act.

(D) An alien who is a stowaway.

(E) Smugglers. In general, any alien who at anytime knowingly has encouraged, induced, assisted, abetted or aided any other alien to enter or to try to enter the United States in violation of law.

(F) An alien who is the subject of a final order for violation of section 274C.

(G) Student visa abusers.

**212(a)(8) Aliens ineligible for citizenship.**

(A) Any immigrant who is permanently ineligible to citizenship.

(B) Any person who has departed from or who has remained outside the United States to avoid or evade training or service in the armed forces in time of war or a period declared by the President to be a national emergency.

**212(a)(9) Aliens previously removed.**

(A)(i) Arriving aliens. Any alien who has been ordered removed and who again seeks admission within five years of the date of such removal (or within 20 years in the case of a second or subsequent removal or at any time in the case of an alien convicted of an aggravated felony).

(A)(ii) Any alien (not described in (i) above) who (I) has been ordered removed, or (II) who departed the United States while an order of removal was outstanding and who seeks admission within ten years of the date of the alien's departure or removal.

(B) Aliens unlawfully present

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(B)(i) In general. Any alien (other than an alien lawfully admitted for permanent residence) who--

- (i)(I) was unlawfully present in the United States for a period of more than 180 days but less than 1 year, voluntarily departed the United States (whether or not pursuant to section 244(e) prior to the commencement of proceedings under section 235(b)(1) or section 240, and again seeks admission within three years of the date of such alien's departure or removal, or
- (i)(II) has been unlawfully present in the United States for one year or more, and who again seeks admission within 10 years of the date of such alien's departure or removal from the United States.

(C) Aliens unlawfully present after previous immigration violations.

- (i)(I) Any alien who has been unlawfully present in the United States for an aggregate period of more than one year, or
- (i)(II) Any alien who has been ordered removed under section 235(b)(1) or section 240, or any other provision of law and who enters or attempts to reenter the United States without being admitted.

**212(a)(10) Miscellaneous.**

(A) Any immigrant who is coming to the United States to practice polygamy.

(B) Any alien who is accompanying another alien who is inadmissible and who is certified to be helpless from sickness, mental or physical disability, or infancy.

(C) International child abduction.

(i) In general, except as provided in clause (ii), any alien who, after entry of an order by a court in the United States granting custody to a person of a United States citizen child who detains or retains the child, or withholds custody of the child, outside the United States from the person granted custody by that order, is inadmissible until the child is surrendered to the person granted custody by that order

(ii) Aliens supporting abductors and relatives of abductors: Any alien who

- (I) is known by the Secretary of State to have intentionally assisted an alien in the conduct described in clause (i),
- (II) is known by the Secretary of State to be intentionally providing material support or safe haven to an alien described in clause (i), or

(III) is a spouse (other than the spouse who is the parent of the abducted child), child (other than the abducted child), parent, sibling or agent of an alien described in clause (i), if such person has been designated by the Secretary of State at the Secretary's sole and unreviewable discretion, is inadmissible until the child described in clause (i) is surrendered to the person granted custody by the order described in that clause, and such person and child are permitted to return to the United States or such person's place of residence.

(D) Unlawful voters.

(E) Former citizens who renounced citizenship to avoid taxation.

**Do any of the above provisions apply to you?**

No  Yes If yes, provide an explanation on a separate sheet(s) of paper, whether or not a waiver is available to you.

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**20.** If your native alphabet is other than Roman letters, write your name in your native alphabet.

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**21.** Language of your native alphabet.

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**22. Signature of Applicant.** I certify under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. I hereby consent and authorize the U.S. Citizenship and Immigration Services to verify the information provided, and to conduct record checks pertinent to this application.

Signature

**23.** Date (mm/dd/yyyy)

**24. Signature of Person Preparing Form, If Other Than Applicant.** 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.

Signature

**25.** Date (mm/dd/yyyy)

**26.** Print Name

**27.** Address

**28.**

**29.** Telephone number with area code